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Rules and Regulations

Federal Register
Vol. 66, No. 119
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NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

RIN 3150–AG44

Licensing Proceedings for the Receipt of High-Level Radioactive Waste at a Geologic Repository; Licensing Support Network, Design Standards for Participating Websites; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a rulemaking appearing in the **Federal Register** on May 31, 2001 (66 FR 29453). This document is necessary to correct the omission of a word.

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron, Office of the General Counsel, Nuclear Regulatory Commission, telephone 301–415–1642, e-mail: fxc@nrc.gov.

SUPPLEMENTARY INFORMATION: On page 29460, in the third column, in Footnote 3, the 21st line, insert the word ''or'' after ''application''.

Dated at Rockville, Maryland, this 14th day of June 2001.

For the Nuclear Regulatory Commission.

Alzonia W. Shepard,

Acting Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 01–15473 Filed 6–19–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AF94

Changes, Tests, and Experiments; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document is necessary to correct three erroneous **Federal Register** citations appearing in a document published on February 26, 2001 (66 FR 11527).

FOR FURTHER INFORMATION CONTACT: Jayne McCausland, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, telephone 301–415–6219, e-mail: jmm@nrc.gov.

SUPPLEMENTARY INFORMATION:

On page 11527, in the first column, in the **SUMMARY** paragraph, in the third line, ''65'' is corrected to read ''64.''

On page 11527, in the first column, in the Background paragraph, in both the first and last lines of the paragraph, ''64'' is corrected to read ''63''.

Dated at Rockville, Maryland, this 14th day of June 2001.

For the Nuclear Regulatory Commission.

Alzonia W. Shepard,

Acting Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 01–15472 Filed 6–19–01; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–176–AD, Amendment 39–12273; AD 2001–12–17]

RIN 2120–AA64

Airworthiness Directives; Raytheon Model Hawker 800XP Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Raytheon Model Hawker 800XP series airplanes, that requires an inspection to confirm the installation of rivets at fuselage stations 251.975, 262.35, 272.725, and 283.10, and installation of new rivets, if necessary. The actions specified by this AD are intended to detect and correct fatigue cracking of the fuselage skin, and consequent loss of cabin pressurization. This action is intended to address the identified unsafe condition.

DATES: Effective July 25, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 25, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Raytheon Aircraft Company, Department 62, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: David Ostrodka, Aerospace Engineer, Airframe Branch, ACE–118W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone (316) 946–4129; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Raytheon Model Hawker 800XP series airplanes was published in the **Federal Register** on March 29, 2001 (66 FR 17103). That action proposed to require an inspection to confirm the installation of rivets at fuselage stations 251.975, 262.35, 272.725, and 283.10, and installation of new rivets, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 124 Model Hawker 800XP series airplanes of the affected design in the worldwide fleet. The FAA estimates that 87 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $10,440, or $120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–12–17 Raytheon Aircraft Company: Amendment 39–12273. Docket 2000–NM–176–AD.

Applicability: Model Hawker 800XP series airplanes, certificated in any category, having the following serial numbers 258266, and 258277 through 258399 inclusive.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking of the fuselage skin, and consequent loss of cabin pressurization, accomplish the following:

Inspection and Corrective Action

(a) Within 600 flight hours or 12 months after the effective date of this AD, whichever occurs first: Do a one-time detailed visual inspection to confirm the installation of rivets at fuselage stations 251.975, 262.35, 272.725, and 283.10. Do the inspection per the Accomplishment Instructions of Raytheon Service Bulletin 51–3336, Revision 1, dated January 2001. If any rivet is missing, before further flight, install a new rivet per the Accomplishment Instructions of the service bulletin.

Note 2: Accomplishment of the actions in accordance with Raytheon Service Bulletin 51–3336, dated May 2000, is acceptable for compliance with the requirements of paragraph (a) of this AD.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The actions shall be done in accordance with Raytheon Service Bulletin 51–3336, Revision 1, dated January 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Raytheon Aircraft Company, Department 62, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(e) This amendment becomes effective on July 25, 2001.

Issued in Renton, Washington, on June 11, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15211 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–262–AD; Amendment 39–12274; AD 2001–12–18]

RIN 2120–AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN–235 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain CASA Model CN–

235 series airplanes, that requires modification of the rigging of the engine control cable assembly and replacement of either the entire engine control cable assembly or a segment of the control cables. This amendment is prompted by issuance of mandatory continuing airworthiness information issued by a foreign airworthiness authority. The actions specified by this AD are intended to prevent fatigue of the engine control cables, leading to breakage of the cables, which could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective July 25, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 25, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain CASA Model CN–235 series airplanes was published in the **Federal Register** on March 19, 2001 (66 FR 15363). That action proposed to require modification of the rigging of the engine control cable assembly and replacement of either the entire engine control cable assembly or a segment of the control cables.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule, as proposed.

Cost Impact

The FAA estimates that 2 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required modification, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the required modification on U.S. operators is estimated to be $960, or $480 per airplane.

The FAA estimates that it will take approximately 47 work hours per airplane to accomplish the required replacement of either the engine control cable assembly or a segment of the control cables, and that the average labor rate is $60 per work hour. Required parts will cost approximately $1,444 per airplane. Based on these figures, the cost impact of the required modification on U.S. operators is estimated to be $8,528, or $4,264 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–12–18 Construcciones Aeronauticas, S.A. (CASA): Amendment 39–12274. Docket 2000–NM–262–AD.

Applicability: Model CN–235 series airplanes, serial numbers C001 to C074, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue of the engine control cables, leading to breakage of the engine control cables, which could result in reduced controllability of the airplane, accomplish the following:

Modification

(a) Within 15 days after the effective date of this AD: Rig the power lever and condition lever control stops, in accordance with CASA COM 235–140, Revision 01, dated March 21, 2000.

Replacement

(b) Prior to the accumulation of 12,000 total flight cycles or within 6 months after the effective date of this AD, whichever occurs later: Replace either the entire engine control cable assembly (part number 7–44728–12) with a new assembly or replace a segment of the control cable (part number

72830–20) with a new segment, in accordance with CASA COM 235–140, Revision 01, dated March 21, 2000.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done in accordance with CASA COM 235–140, Revision 01, dated March 21, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Spanish airworthiness directive 03/00, dated March 2000.

Effective Date

(f) This amendment becomes effective on July 25, 2001.

Issued in Renton, Washington, on June 11, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15210 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–320–AD; Amendment 39–12269; AD 2001–12–14]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747–400 series airplanes, that requires an inspection to detect miswiring of diodes in the heating system of the pitot static probes, and corrective action, if necessary. The actions specified by this AD are intended to prevent reduced power to the heating system of the pitot static probes, leading to ice accumulation on the pitot static probes, which could result in erroneous airspeed or altitude indications to the flight crew, and consequent reduced operational safety in all phases of flight. This action is intended to address the identified unsafe condition.

DATES: Effective July 25, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 25, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Don Eiford, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2788; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking (NPRM) to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) applicable to certain Boeing Model 747–400 series airplanes was published in the **Federal Register** on February 21, 2001 (66 FR 10972). That action proposed to require an inspection to detect miswiring of diodes in the heating system of the pitot static probes, and corrective action, if necessary.

Editorial Change

The compliance time for rewiring of any miswiring, detected during the special detailed inspection required by paragraph (a) of this AD, was inadvertently omitted. Paragraph (a) of this AD has been changed to require rewiring of any miswiring prior to further flight.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of this AD.

Cost Impact

There are approximately 497 Model 747–400 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 69 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $8,280, or $120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3)

will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–12–14 Boeing: Amendment 39–12269. Docket 2000–NM–320–AD.

Applicability: Model 747–400 series airplanes, as listed in Boeing Alert Service Bulletin 747–30A2078, Revision 1, dated November 16, 2000; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced power to the heating system of the pitot static probes, leading to ice accumulation on the pitot static probes, which could result in erroneous airspeed or altitude indications to the flight crew, and consequent reduced operational safety in all phases of flight, accomplish the following:

Inspection

(a) Within 15 months after the effective date of this AD, perform a special detailed inspection to detect miswiring of diodes in the heating system of the pitot static probes by using a multimeter to verify continuity between certain relay sockets, absence of a diode between certain relay sockets, and diode orientation between certain relay sockets, per Boeing Alert Service Bulletin 747–30A2078, Revision 1, dated November 16, 2000. If any miswiring is found, prior to further flight, rewire per Boeing 747–400 Wiring Diagrams 30–31–11 and 30–31–21, as referenced in the service bulletin.

Note 2: Inspections accomplished prior to the effective date of this AD per Boeing Alert Service Bulletin 747–30A2078, dated August 24, 2000, are considered acceptable for compliance with the applicable action specified in this amendment.

Note 3: For the purposes of this AD, a special detailed inspection is defined as: ''An intensive examination of a specific item(s), installation, or assembly to detect damage, failure, or irregularity. The examination is likely to make extensive use of specialized inspection techniques and/or equipment. Intricate cleaning and substantial access or disassembly procedures may be required.''

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) Except as provided by paragraph (a) of this AD, The actions shall be done in accordance with Boeing Alert Service Bulletin 747–30A2078, Revision 1, dated November 16, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(e) This amendment becomes effective on July 25, 2001.

Issued in Renton, Washington, on June 11, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15209 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–323–AD; Amendment 39–12270; AD 2001–12–15]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–90–30 series airplanes, that requires revising the wiring of the selective calling (SELCAL) system. The actions specified by this AD are intended to prevent inadvertent very high frequency transmissions and subsequent loss of radio communications for airplane and/or airport operations; and to prevent inadvertent high frequency transmissions and subsequent electrical shock to ground service personnel and/or damage to the airplane during fueling operations or fuel tank maintenance. This action is intended to address the identified unsafe condition.

DATES: Effective July 25, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 25, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal

Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: George Mabuni, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5341; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–90–30 series airplanes was published in the **Federal Register** on March 20, 2001 (66 FR 15664). That action proposed to require revising the wiring of the selective calling (SELCAL) system.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 36 Model MD–90–30 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 21 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $22 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $2,982, or $142 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–12–15 McDonnell Douglas: Amendment 39–12270. Docket 2000–NM–323–AD.

Applicability: Model MD–90–30 series airplanes, as listed in Boeing Alert Service Bulletin MD90–23A018, Revision 01, dated August 10, 2000; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent very high frequency transmissions and subsequent loss of radio communications for airplane and/or airport operations; and to prevent inadvertent high frequency transmissions and subsequent electrical shock to ground service personnel and/or damage to the airplane during fueling operations or fuel tank maintenance, accomplish the following:

Revise Wiring

(a) Within 6 months after the effective date of this AD, revise the wiring of the selective calling (SELCAL) system (including installing up to five diodes and reidentifying existing wires with sleeving), per Boeing Alert Service Bulletin MD90–23A018, Revision 01, dated August 10, 2000.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The actions shall be done in accordance with Boeing Alert Service Bulletin MD90–23A018, Revision 01, dated August 10, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(e) This amendment becomes effective on July 25, 2001.

Issued in Renton, Washington, on June 11, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15208 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–02–AD; Amendment 39–12272; AD 2001–01–52 R1]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; rescission.

SUMMARY: This amendment rescinds an existing airworthiness directive (AD) that applies to Bell Helicopter Textron Canada (BHTC) Model 407 helicopters and currently requires, before further flight, imposing never exceed velocity (Vne) restrictions on the helicopter. The requirements of that AD were intended to prevent tail rotor blades from striking the tailboom, separation of the aft section of the tailboom with the tail rotor gearbox and vertical fin, and subsequent loss of control of the helicopter. That AD was prompted by an accident suspected of being the result of a tail rotor strike caused by high airspeed. Since the issuance of that AD, accident investigation findings have not substantiated that a tail rotor strike caused by high airspeed was the cause of the accident. This amendment rescinds that AD. This amendment is prompted by the FAA's determination that the Vne restrictions and accompanying actions imposed by that AD do not correct an unsafe condition.

EFFECTIVE DATE: July 25, 2001.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5122, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by rescinding AD 2001–01–52, Amendment 39–12100 (66 FR 9031, February 6, 2001), which applies to BHTC Model 407 helicopters, was published in the **Federal Register** on April 12, 2001 (66 FR 18884). AD 2001–01–52 requires, before further flight, reducing the maximum approved Vne to 100 KIAS if an airspeed-actuated pedal stop is not installed or to 110 KIAS if an airspeed-actuated pedal stop is installed; inserting a copy of the AD into the RFM; installing a temporary placard on the flight instrument panel to indicate the reduced Vne limit; and installing a new redline Vne limit at either 100 or 110 KIAS, as specified in the AD, on all airspeed indicators. That AD was prompted by an accident in which a helicopter was destroyed on water impact following an in-flight occurrence at approximately 140 KIAS. One of the possible contributing factors was an in-flight tail rotor strike to the tailboom. As a precautionary measure, pending further investigation into the accident, and after reviewing the AD issued by the certifying authority for the helicopter (Transport Canada), the FAA issued AD 2001–01–52 to reduce the Vne.

Further investigations conducted since the issuance of AD 2001–01–52 did not substantiate that the accident resulted from a tail rotor strike caused by high airspeed. Information provided by BHTC and reviewed by the FAA supports these findings. Transport Canada has issued a superseding AD, CF–2001–01R1, dated April 3, 2001, stating that the Vne restriction is no longer necessary. Transport Canada advises that no data has emerged from the investigation to confirm that the accident was initiated by a tail rotor strike. While the possibility of a tail rotor strike has not been completely discounted as the cause of the accident, a tail rotor strike occurrence while operating within the approved flight envelope has been discounted. The ongoing accident investigation is currently considering other factors.

After reviewing the available data, the FAA has determined that it is appropriate to rescind AD 2001–01–52 to prevent operators from performing an unnecessary action. The Vne restrictions and accompanying actions imposed by that AD do not correct an unsafe condition. The ongoing investigation found no information to indicate that the accident was caused by a tail rotor strike during flight at high airspeed. The cause of the accident precipitating AD 2001–01–52 remains under investigation.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 200 helicopters of U.S. registry are affected by AD 2001–01–52. The actions that are currently required by that AD take approximately 3 work hours per helicopter to manufacture and install each airspeed limitation placard. The average labor rate is $60 per work hour. Required parts cost approximately $10 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $38,000 to install an airspeed limitation placard on all helicopters in the U.S. fleet. However, adopting this rescission eliminates those costs.

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–12100 (66 FR 9031, February 6, 2001).

AD 2001–01–52 R1 Bell Helicopter Textron Canada: Amendment 39–12272. Docket No. 2001–SW–02–AD. Rescinds AD 2001–01–52, Amendment 39–12100.

Applicability: Model 407 helicopters, certificated in any category.

Issued in Fort Worth, Texas, on June 8, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–15445 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY–230–FOR]

Kentucky Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is approving, with exceptions, an amendment to the Kentucky regulatory program (Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Kentucky is proposing revisions to the Kentucky Revised Statutes (KRS) pertaining to ownership and control, easement of necessity for the limited purpose of abatement of violations, and roads above highwalls. This rule addresses only the easement of necessity provision. The remaining provisions will be addressed in a future rulemaking (KY–225–FOR).

EFFECTIVE DATE: June 20, 2001.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Field Office Director, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503. Telephone: (859) 260–8400. Email: bkovacic@osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. You can find background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the May 18, 1982 **Federal Register** (47 FR 21404). Subsequent actions concerning the Kentucky program and previous amendments are codified at 30 CFR 917.11, 917.12, 917.13, 917.15, 917.16, and 917.17.

II. Submission of the Proposed Amendment

By letter dated May 9, 2000 (Administrative Record No. KY–1473), Kentucky submitted a proposed amendment to its approved permanent regulatory program. House Bill (HB) 502 continues in effect the current administrative regulations on ownership and control. HB 599 creates a new section of KRS Chapter 350. HB 792 amends KRS 350.445(3). Only the provisions of HB 599 will be addressed in this rule.

We announced receipt of the proposed amendment in the May 31, 2000, **Federal Register** (65 FR 34625), invited public comment, and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on June 30, 2000.

III. Director's Findings

Following, according to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are our findings concerning the proposed amendment. Any revisions that we do not specifically discuss below concern nonsubstantive wording changes or revised cross-references and paragraph notations to reflect organizational changes that result from this amendment.

House Bill 599. Subsection (1) recognizes an easement of necessity on behalf of the permittee or operator for the limited purpose of abating a violation, with certain conditions. The permittee or operator must have been issued a notice or order directing abatement of the violation on the basis of an imminent danger to health and safety of the public or significant imminent environmental harm. The notice or order must require access to property for which the permittee or operator does not have legal right of entry and the landowner or legal occupant has refused access.

Subsection (2) establishes conditions under which the Cabinet terminates a notice of noncompliance or cessation order for a violation, other than a violation described in Subsection (1), if the party responsible for abatement of the violation has been denied access to the land necessary to allow abatement. Those conditions, in general terms, are: (a) Prior to terminating a notice of noncompliance or cessation order, and within 30 days of a request by a permittee to terminate a violation based on lack of success, the Cabinet shall verify the denial of access and advise the surface owners and legal occupants of the consequences of refusing to allow access to the property; and (b) the Cabinet shall explain the consequences by certified mail and shall make a good faith effort to notify all owners of interest and legal occupants of the consequences of the refusal to allow access.

Subsection (3) prohibits the Cabinet from terminating a notice or order if it determines that the denial of the access has been procured through collusion between the permittee and the landowner who is refusing access. It defines ''collusion'' and provides that any act of collusion will subject the permittee to certain penalties.

Subsection (4) prohibits termination of a notice or order under this section if there is any common ownership and control between the permittee or operator and the landowner or legal occupant. It also prohibits termination where there is any other legal relationship between the permittee or operator and the landowner or legal occupant, except where a court has determined that the legal relationship does not provide for a right of access.

Subsection (5) requires the Cabinet to direct abatement measures to be taken by the permittee to prevent damage to lands for which access has not been denied.

Subsection (6) provides that termination of a notice or order under this Section shall not affect the assessment of a civil penalty for the violation, and provides that nothing in this Section affects a person's right for damages or injunctive relief.

The Federal regulations at 30 CFR 843.11(f) and 843.12(e) specify, respectively, that the exclusive grounds for termination of cessation orders and notices of violation are the abatement of all conditions, practices, or violations listed in the order or notice. A permittee is responsible for the reclamation of its surface coal mining operation, including abatement of all violations, regardless of impediments that may be raised by recalcitrant surface owners. *See Elk Valley Mining Company* v. *OSM,* Case No. NX6–65–R (March 31, 1988) (''It would be contrary to the purposes of the Act for the Applicant to be able to shield itself from enforcement of the Act by his failure to reach a lease agreement with a private party.'') *See, also, Wilson*

Farms Coal Co., 2 IBSMA 118 (1980) (A lease agreement does not relieve permittee of its responsibility for reclamation under the Act.) Because HB 599 allows termination of enforcement action due to denial of access to land, subsections (2) through (6) are inconsistent with these Federal regulations, and are not approved.

We will also announce our intention to set aside subsections (2) through (6) in a subsequent **Federal Register** notice. As an alternative to this proposal, Kentucky may consider enactment of legislation prohibiting surface owner interference with the performance of all reclamation obligations, rather than limiting the availability of such ''easements of necessity'' to only those violations that may result in imminent danger to the public or to the environment. As one commenter has pointed out, both West Virginia and Virginia have enacted this type of legislation. *See* W.Va. Code 22–3–11(e); Va. Code 45.1–188.

Subsection (1) is, however, no less stringent than section 521 of SMCRA and consistent with 30 CFR 843.11, because it provides a method for ensuring the abatement of an imminent danger that is in addition to the methods provided for in those provisions. Therefore, subsection (1) is approved in accordance with section 505(b) of SMCRA. Subsections (2) through (6) are not approved.

IV. Summary and Disposition of Comments

Federal Agency Comments

On February 18, 2000, we asked for comments from various Federal agencies who may have an interest in the Kentucky amendment (Administrative Record No. KY–1469) according to 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA. No one responded.

Public Comments

We received several public comments in response to our request. We will address only the comments that pertain to HB 599. Two commenters believe that the provisions of HB 599 are consistent with SMCRA and should be approved. Both parties refer to McCoy Elkhorn Coal Corporation v. Greene et al, No. 96–CA–2644–MR (unpublished opinion, March 6, 1998). The Kentucky Court of Appeals held that a coal mine operator had no implied right incident to ownership and control of coal to enter on the surface to effect subsidence repairs. One of the commenters deemed this a ''rejection by the state courts of the coal industry's attempt to gain legal access to conduct reclamation activities.'' The commenters note that HB 599, in essence, overrides the McCoy Elkhorn opinion and provides coal operators legal access (easement of necessity) to conduct reclamation activities where there is an imminent danger. They also assert that Virginia and West Virginia allow the permittee to access property to fulfill reclamation obligations.

Both commenters refer to OSM's regulation at 30 CFR 843.18, which states that the inability of a permittee to comply is not a basis to vacate a violation. They note, however, that in the preamble to this rule, OSM states that where the damage cannot be undone and when no further remedial action or affirmative obligation can be prescribed, ''the citation must be terminated.'' (44 FR 14901, 15305, March 13, 1979) The commenters interpret the provisions of HB 599 to be consistent with OSM's preamble language.

We disagree with the commenters' interpretation of our statements from the 1979 preamble, because it overstates the reach of that discussion. The comments to proposed 30 CFR 843.18 were concerned about the consequences to operators whose violations could not be abated, due to a ''*technological* 'inability to comply','' and believed that such violations should be vacated. We declined to make the suggested change, however, because we believed that there were no performance standards that were ''*technologically* impossible to meet.'' *Id.* (Emphasis added) In other words, we declined to allow a violation to be vacated, because we believed that it was technologically possible to have prevented its occurrence. However, we did acknowledge that there may be instances ''when an operator violates the Act or the regulations, [and] it may be *technologically* impossible to undo the damage.'' In such instances, termination, rather than vacation, of the violation would be appropriate. *Id* (Emphasis added)

H.B. 599 would allow termination under much different circumstances. A landowner's refusal to grant access to his property does not present a technological impossibility to performing reclamation. In *Elk Valley Mining Company* v. *OSM,* Docket No. NX6–65–R (1988), the Administrative Law Judge refused to accept the failure to reach a lease agreement to ensure entry for reclamation purposes as justification for failure to abate an otherwise valid notice of violation, stating that ''It would be contrary to the purposes of the Act for the Applicant to be able to shield itself from enforcement of the Act by his failure to reach a lease agreement with a private party.'' (citing *Wilson Farms Coal Co.,* 2 IBSMA 118 (1980) (A lease agreement does not relieve permittee of its responsibility for reclamation under the Act.) From these principles, it follows that the inadequacy of a right of entry provision, whether included in a lease, deed, or some other instrument, does not relieve a permittee from the absolute responsibility to abate all violations.

One commenter also noted that OSM has approved language in the West Virginia state program which provides, with respect to notices of violation, that ''[i]f the operator has not abated the violation within the time specified in the notice, * * * the director shall order the cessation of the operation * * *, *unless the operator affirmatively demonstrates that compliance is unattainable due to conditions totally beyond the control of the operator.''* W.Va. Code 22–3–17(a) (Emphasis added) This language, according to the commenter, stands for the principle that NOVs issued for violations which cannot be abated should be terminated.

We disagree with the commenter, because the West Virginia provision merely provides an exception to the requirement to issue a Cessation Order if a violation is not abated within a specified period. It does not authorize termination of the violation, even where ''compliance is unattainable due to conditions totally beyond the control of the operator.'' As such, the West Virginia provision differs markedly from the proposed amendment that is the subject of this rulemaking. A third commenter, who helped draft the bill, feels that certain aspects of the bill need to be clarified by Kentucky. They are: (1) The process the State will employ to determine whether a request for termination of a violation based on refusal of access is not collusive, and for investigating ownership, control, and other legal relationship links between the applicant and the landowner refusing access; (2) the type of training that will be conducted to assure that field inspectors are aware of their responsibility to inform the landowner of their rights and consequences of refusal-of-access on the status of the violation; and (3) the constitutionality under state law of the state proposal, which creates a new easement burdening the lands of a party who, by definition, has been trespassed upon by a violation of the mining laws, or whether the state is in a position of sanctioning a ''taking'' of the property of a third party.

We note that we are disapproving the portions of the amendment to which the

first of these two comments pertain. The third comment addresses the amendment's constitutionality under state law. A determination of this type is also outside the scope of this rulemaking. However, we acknowledge the commenter's concerns and will forward them to Kentucky's Department for Surface Mining Reclamation and Enforcement for consideration.

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to solicit comments and obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). Since none of the proposed amendment provisions relate to air or water quality, we did not solicit EPA's concurrence.

V. Director's Decision

Based on the above findings, we approve, with the following exceptions, the proposed amendment, known as House Bill 599, submitted by Kentucky on May 9, 2000: Subsection (1) is approved; Subsections (2) through (6) are not approved. The Federal regulations at 30 CFR Part 917, codifying decisions concerning the Kentucky program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

Effect of the Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. Thus, any changes to the State program are not enforceable until approved by OSM. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved State programs. In the oversight of the Kentucky program, we will recognize only the statutes, regulations, and other materials approved by OSM, together with any consistent implementing policies, directives, and other materials. We will require that Kentucky enforce only such provisions.

VI. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart federal regulation.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the federal and state governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of state regulatory programs and program amendments since each such program is drafted and promulgated by a specific state, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed state regulatory programs and program amendments submitted by the states must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed state regulatory program provision does not constitute a major federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The state submittal which is the subject of this rule is based upon counterpart federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the state. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart federal regulation.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the state submittal which is the subject of this rule is based upon counterpart federal regulations for which an analysis was prepared and a determination made that the federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year

on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 25, 2001.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 917—KENTUCKY

1. The authority citation for Part 917 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 917.12 is amended by adding paragraph (b) to read as follows:

§ 917.12 State regulatory program and proposed program amendment provisions not approved.

* * * * *

(b) Subsections (2) through (6) of the amendment submitted as House Bill 599 on May 9, 2000, are hereby not approved, effective June 20, 2001.

3. Section 917.15 is amended in the table in paragraph (a) by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 917.15 Approval of Kentucky regulatory program amendments.

(a) * * *

Original amendment submission date	Date of final publication	Citation/description
* * * * *	*	*
May 9, 2000	6/20/01	House Bill 599, subsection (1).

* * * * *

[FR Doc. 01–15498 Filed 6–19–01; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07–01–049]

RIN 2115–AE46

Special Local Regulations: San Juan Harbor, Puerto Rico

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Temporary Special Local Regulations are being established for the Swimming Cross San Juan Harbor, San Juan, Puerto Rico. These regulations are needed to provide for the safety of life on navigable waters by excluding vessels from the swimming area.

DATES: This rule is effective from 10 a.m. to noon on July 22, 2001.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket are part of [CGD07–01–049] and are available for inspection or copying at Coast Guard Greater Antilles Section, La Puntilla, Old San Juan, PR 00902 between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John Reyes, Greater Antilles Section at (787) 729–5381.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for these regulations. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM would be contrary to national safety interests since immediate action is needed to minimize potential danger to the public.

Background and Purpose

These regulations are required to provide for the safety of life on navigable waters because numerous swimmers will cross a navigable channel in a commercial port. This event has taken place several times over the past years, although the date changes from year to year. This rule creates a regulated area that will prohibit vessels from entering an area between the Puerto Rico Ports Authority Pier 1 to La Puntilla Point, then across the Anagada Channel to the Catano Ferry Terminal, then to Punta Catano, and then across the San Antonio Approach to the origin.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (44 FR 11040, February 26, 1979). The regulated area will only be in effect for approximately 2 hours.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic effect upon a substantial number of small entities. ''Small entities'' include small business, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of San Juan Harbor, Puerto Rico from 10 a.m., to noon, July 22, 2001. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because the rule will only be in effect for 2 hours.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pubic Law 104–221), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to

the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children.

Environment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to Figure 2–1, paragraph 34(h) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—MARINE EVENTS

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236, 49 CFR 1.46, 33 CFR 100.35.

2. Add temporary § 100.35T–07–049 to read as follows:

§ 100.35T–07–049 Swimming Cross San Juan Harbor, San Juan, Puerto Rico.

(a) *Regulated area.* The regulated area encompasses the Puerto Rico Ports Authority Pier 1, at position 18°27′39″ N 066°06′48″ W; West to La Puntilla Point at position 18°27′32″ N 066°07′00″ W; South crossing the San Antonio Channel and Anegado Channel to the Catano Ferry Terminal at position 18°26′38″ N 066°07′02″ W, then North East to Punta Catano at position 18°26′42″ N 066°06′45″ W, then North back to origin, entry into which is prohibited for 2 hours on the day of the event. All coordinates referenced use Datum NAD 1983.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commanding Officer, Greater Antilles Section, San Juan, Puerto Rico.

(c) *Special local regulations.* Entry into the regulated area by other than event participants is prohibited, unless otherwise authorized by the Patrol Commander. Spectator craft may remain in a spectator area to be established by the event sponsor, Commonwealth of Puerto Rico, Municipality of Catano, San Juan, Puerto Rico.

(d) *Dates.* This rule is effective from 10 a.m. to noon on July 22, 2001.

Dated: June 12, 2001.

James S. Carmichael,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 01–15552 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13–99–005]

Drawbridge Operations Regulations; Duwamish Waterway and Lake Washington Ship Canal, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the operating regulations for the City of Seattle drawbridges across the Lake Washington Ship Canal and the Washington state drawbridge across the Duwamish Waterway in Seattle, Washington. The normal drawspan closed periods for Monday through Friday will now also be applied to Columbus Day to accommodate commuter traffic that remains heavy on this Federal holiday. Other Federal holidays remain exempted from the weekday closed periods.

DATES: This rule is effective July 20, 2001.

ADDRESSES: The public docket and all documents referred to in this notice are available for inspection and copying at the Thirteenth Coast Guard District, Aids to Navigation and Waterways Management Office, 915 Second Avenue, room 3510, Seattle, Washington 98174–1067, between 7:45 a.m. to 4:15 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Austin Pratt, Chief, Bridge Section, Telephone (206) 220–7282.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On April 27, 1999, a notice of proposed rulemaking was published in the **Federal Register** entitled Drawbridge Operations Regulations; Duwamish Waterway and Lake Washington Ship Canal, WA (64 FR 22593). The Coast Guard received no comments in response to the notice. No public hearing was requested and none was held.

Background and Purpose

The purpose of the change to §§ 117.1041 and 117.1051 is to alleviate commuter traffic congestion by removing Columbus Day from the existing Federal holiday exemption for the dual First Avenue South Drawbridges across the Duwamish Waterway, mile 2.5, and the drawbridges across the Lake Washington Ship Canal east of the Chittenden Locks. These bridges from seaward are the Ballard Bridge at mile 1.1, the Fremont Bridge at mile 2.6, the University Bridge at mile 4.3, and the Montlake Bridge at mile 5.2. The regulations which are currently in effect authorize various weekday closed periods during the hours of heavy commuting so that openings for vessels will not worsen traffic congestion. These closed periods do not apply on weekends or Federal holidays because the affected streets are not as heavily traveled on those holidays. Columbus Day does not warrant this exemption. Many employers in the Seattle area do not honor this holiday and, as a result, the volume of commuter traffic does not appreciably diminish on that day. Openings for the passage of vessels on this day at times of peak traffic can cause significant delay to street traffic. The amendment would treat Columbus Day as any other weekday for opening the drawspans. The amendment also deletes reference to notification of the Seattle City Engineer for emergency openings of the Lake Washington Ship Canal bridges. Emergency openings will be provided in accordance with 33 CFR 117.31. This change reflects the Coast Guard's policy that notification made to the bridge tender is sufficient for declaration of emergency requiring immediate opening of the draw.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under Section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040; February 26, 1979).

We expect the economic impact of this rule to be so minimal that a full regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This is based on the fact that only a certain class of vessel would be affected one day annually by this change. The change will improve commuter traffic flow and enhance navigational safety on the Lake Washington Ship Canal by simplifying the procedure for requesting an emergency opening of drawspans.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian tribal governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' include small businesses, not-for profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act that this rule will not have a significant impact on a substantial number of small entities. The change adds only one day of the year to those which have closed periods to accommodate heavy road traffic.

Collection of Information

This rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U. S. C. 3501 *et seq.*).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandate Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the federal government's having first provided the funds to pay those costs. This rule would not impose an unfunded mandate.

Taking of Private Property

This rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under Figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Revise § 117.1041(a)(1) to read as follows:

§ 117.1041 Duwamish Waterway.

(a) * * *

(1) From Monday through Friday, except all Federal holidays but Columbus Day, the draws of the First

Avenue South Bridges, mile 2.5, need not be opened for the passage of vessels from 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m., except: The draws shall open at any time for a vessel of 5000 gross tons and over, a vessel towing a vessel of 5000 gross tons and over, and a vessel proceeding to pick up for towing a vessel of 5000 gross tons and over.

* * * * *

3. Revise § 117.1051(d)(2) to read as follows:

§ 117.1051 Lake Washington Ship Canal.

* * * * *

(d) * * *

(2) The draws need not open from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday, except all Federal holidays but Columbus Day for any vessel of less than 1000 tons, unless the vessel has in tow a vessel of 1000 gross tons or over.

* * * * *

Dated: June 5, 2001.

Erroll Brown,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 01–15553 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGDO9–01–049]

Safety Zone: Captain of the Port Detroit Zone

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: The Coast Guard is implementing safety zones for annual fireworks displays in the Captain of the Port Detroit Zone during July 2001. This action is necessary to provide for the safety of life and property on navigable waters during these events. These zones will restrict vessel traffic from a portion of the Captain of the Port Detroit Zone.

DATES: 33 CFR 165.907 is implemented from 12:01 a.m. (EST) on July 1, 2001, to 11:59 p.m. (EST) on July 31, 2001.

FOR FURTHER INFORMATION CONTACT: Ensign Brandon Sullivan, U.S. Coast Guard Marine Safety Office Detroit, (313) 568–9580.

SUPPLEMENTARY INFORMATION: The Coast Guard is implementing the permanent safety zones in 33 CFR 165.907 (published May 21, 2001, in the **Federal Register**, 66 FR 27868), for fireworks displays in the Captain of the Port Detroit Zone during July 2001. The following safety zones are in effect for fireworks displays occurring in the month of July 2001:

(1) *Lake Erie Metro Park Fireworks.* Location: The waters off the Brownstown Wave Pool area, Lake Erie bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°03′ N, 083°11′ W, on July 1, 2001, from 10 p.m. until 11 p.m.

(2) *Port Sanilac Fireworks. Port Sanilac, MI.* Location: The waters off the South Harbor Breakwall, Lake Huron bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43°25′ N, 082°31′ W on July 4, 2001, from 9:30 p.m. until 11 p.m.

(3) *Port Huron 4th of July Fireworks, Port Huron, MI.* Location: All waters of the Black River within a 300-yard radius of the fireworks barge in approximate position 42°58′ N, 082°25′ W about 300 yards east of 223 Huron Ave., in the Black River on July 1, 2001, from 10 p.m. until 11 p.m.

(4) *Caseville Fireworks, Caseville, MI.* Location: The waters off the Caseville breakwall, Saginaw River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43°55′ N, 083°17′ W, on July 3, 2001, from 10 p.m. until 11 p.m.

(5) *Algonac Pickerel Tournament Fireworks, Algonac, MI.* Location: All waters of the St. Clair River within a 300-yard radius of the fireworks barge in approximate position 42°37′ N, 082°32′ W, between Algonac and Russell Island, St. Clair River—North Channel, on July 3, 2001, from 9:30 p.m. until 10:30 p.m.

(6) *Grosse Pointe Yacht Club 4th of July Fireworks, Grosse Pointe Shores, MI.* Location: All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°25′ N, 082°52′ W, about 400 yards east of the Grosse Pointe Yacht Club seawall, Lake St. Clair on July 4, 2001, from 9:30 p.m. until 10:30 p.m.

(7) *City of St. Clair Fireworks.* Location: The waters off St. Clair City Park, St. Clair River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°49′ N, 082°29′ W, on July 4, 2001, from 9:30 p.m. until 11:30 p.m.

(8) *Tawas City 4th of July Fireworks, Tawas, MI.* Location: The waters off the Tawas City Pier, Lake Huron bounded by the arc of a circle with a 300-yard radius with its center in approximate position 44°13′ N, 083°30′ W, on July 4, 2001 from 9 p.m. until 10 p.m.

(9) *Lexington Independence Festival Fireworks, Lexington, MI.* Location: All waters of Lake Huron within a 300-yard radius of the fireworks barge in approximate position 43°13′ N, 082°30′ W, about 300 yards east of the Lexington breakwall, Lake Huron, on July 1, 2001, from 7 p.m. until 11:59 p.m.

(10) *Trenton Fireworks Display, Trenton, MI.* Location: All waters of the Trenton Channel within a 300-yard radius of the fireworks barge in approximate position 42°09′ N, 083°10′ W, about 200 yards east of Trenton, in the Trenton Channel on July 4, 2001, from 10 p.m. until 11 p.m.

(11) *City of Ecorse Water Festival Fireworks, Ecorse, MI.* Location: All waters of the Ecorse Channel within a 300-yard radius of the fireworks barge in approximate position 42°14′ N, 083°09′ W, at the northern end of Mud Island, Ecorse, on July 4, 2001, from 10 p.m. until 11 p.m.

(12) *Oscoda Township Fireworks.* Location: The waters off the DNR Boat Launch at the mouth of the Ausable River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 44°19′ N, 083°25′ W, on July 4, 2001, from 9 p.m. until 11 p.m.

(13) *Port Austin Fireworks.* Location: The waters off the Port Austin Breakwall on Lake Huron, bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43°03′N, 082°40′ W, on July 4, 2001, from 10 p.m. until 11 p.m.

(14) *Belle Maer Harbor 4th of July Fireworks, Harrison Township, MI.* Location: All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°36′ N, 082°47′ W, about 400 yards east of Belle Maer Harbor, Lake St. Clair—Anchor Bay on July 4, 2001, from 10 p.m. until 11 p.m.

In order to ensure the safety of spectators and transiting vessels, these safety zones will be in effect for the duration of their corresponding event. Vessels may not enter a safety zone without permission from Captain of the Port Detroit Zone. If you would like permission, contact the person listed in **FOR FURTHER INFORMATION CONTACT**. Spectator vessels may anchor outside the safety zone but are cautioned not to block a navigable channel.

Dated: June 13, 2001.

S.P. Garrity,

Commander, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 01–15554 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. AK–24–1712a; FRL–6993–7]

Approval and Promulgation of Implementation Plans: Alaska

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA or we) approves the following revisions to the Alaska State Implementation Plan (SIP): a revision of the visible emission limit for coal burning boilers, during startup; shutdown; soot-blowing; grate cleaning; or other routine maintenance activities, that began operation before August 17, 1971, and submitted the required demonstration. Additionally, we are approving a revision to the definitions section that will add definitions of grate cleaning and soot-blowing. The Alaska Department of Environmental Conservation (ADEC) forwarded this submittal to EPA for inclusion in the Alaska SIP on November 1, 1999. These revisions were submitted for the purposes of complying with section 110 of the Clean Air Act.

DATES: This direct final rule will be effective August 20, 2001 without further notice, unless EPA receives adverse comment by July 20, 2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Written comments should be addressed to: Roylene A. Cunningham, EPA Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA and other information supporting this action may be examined during normal business hours at the following locations: EPA Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101, and Alaska Department of Environmental Conservation, 410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801–1795.

FOR FURTHER INFORMATION CONTACT: Roylene A. Cunningham, EPA Region 10, Office of Air Quality (OAQ–107), Seattle, Washington 98101, (206) 553–0513.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. What Revisions to the Alaska SIP Are We Approving?

A. Industrial Processes and Fuel-Burning Equipment (18 AAC 50.055(a)(9))

We are approving a revision of the visible emission limit for coal burning boilers, during startup; shutdown; soot-blowing; grate cleaning; or other routine maintenance activities, that began operation before August 17, 1971, and submitted the required demonstration.

18 AAC 50.055(a)(9) is being repealed and readopted to read as follows:

18 AAC 50.055. Industrial Processes and Fuel-Burning Equipment

(a) Visible emissions, excluding condensed water vapor, from an industrial process or fuel-burning equipment may not reduce visibility through the exhaust effluent by

* * * * *

(9) More than 20 percent for more than three minutes in any one hour, except for an additional three minutes in any one hour for a coal burning boiler that began operation before August 17, 1971, if

(A) The visible emissions are caused by startup, shutdown, soot-blowing, grate cleaning, or other routine maintenance specified in an operating permit issued under this chapter;

(B) The owner or operator of the boiler monitors visible emissions by continuous opacity monitoring instrumentation that;

(i) Conforms to Performance Specification 1 in 40 CFR 60, Appendix B, adopted by reference in 18 AAC 50.040; and

(ii) Completes one cycle of sampling and analyzing for each successive 15-second period;

(C) The owner or operator of the boiler provides the department with a demonstration that the particulate matter emissions from the boiler allowed by this opacity limit will not cause or contribute to a violation of the ambient air quality standards for PM–10 in 18 AAC 50.010, or cause the maximum allowable increases for PM–10 in 18 AAC 50.020 to be exceeded; and

(D) The Federal administrator approves a facility-specific revision to the State implementation plan, required under 42 U.S.C. 7410, authorizing the application of this opacity limit instead of the opacity limit otherwise applicable under this section.

B. Definitions (18 AAC 50.990)

We are approving revisions to this section with the addition of the definitions for grate cleaning and soot-blowing.

18 AAC 50.990 is amended by adding new paragraphs to read as follows:

18 AAC 50.990. Definitions

* * * * *

(106) ''Grate cleaning'' means removing ash from fireboxes;

(107) ''Soot-blowing'' means using steam or compressed air to remove carbon from a furnace or from a boiler's heat transfer surfaces.

II. What Regulated Pollutant(s) Are affected by This Revision?

The only regulated pollutant potentially affected by the change is particulate matter less than 10 microns in size (PM–10).

III. Who Does This Revision Apply To?

The coal burning boilers, located at the following facilities, that began operation before August 17, 1971: Golden Valley Electric Association (GVEA), Healy (Unit #1); Eielson Air Force Base, Fairbanks (6 units); Aurora Energy, Fairbanks (4 units); and Clear Air Force Base, Clear (3 units).

These four facilities provided ADEC with a demonstration that the particulate matter emissions from their boilers allowed by this revised visible emission limit will not cause a deleterious effect on any NAAQS, Prevention of Significant Deterioration (PSD) increment or visibility in Class I areas.

IV. What Is the Background of the Alaska SIP Revision?

The SIP revision for the opacity limit for coal burners was officially submitted to EPA on November 1, 1999. The rule was filed with the Lieutenant Governor for the State of Alaska on October 5, 1999, and was effective on November 4, 1999.

The affected facilities are subject to both 18 AAC 50.055(a)(1) and 18 AAC 50.055(b)(2)(A). Both of these provisions are in the State Implementation Plan.

18 AAC 50.055(a)(1) currently states that visible emissions shall not exceed an opacity limit of 20% for a total of more than three minutes in any one hour. The revised regulation has a 20% opacity limit, with a six minute exception in any one hour instead of the current three minute exception, for approved site specific coal burning boilers that began operation before August 17, 1971, if the visible emissions are caused by startup, shutdown, grate cleaning, or routine maintenance

specified in an operating permit issued under 18 AAC 50.340.

18 AAC 50.055(b)(2)(A) states that total particulate emissions from the facility should not exceed 0.1 gr/dscf of exhaust gas corrected to standard conditions and averaged over three hours. This rule will remain unchanged.

According to the testing performed by the affected facilities, the particulate emissions and opacity are related but there is not a linear relationship between the two. Since opacity is used as a qualitative estimate of particulate emissions, the revised opacity standards during startup, shutdown, grate cleaning, and routine maintenance activities cannot be directly ''input'' into air quality models. However, the affected sources are still required to meet the State's particulate matter standard of 0.1 gr/dscf of exhaust gas, averaged over three hours. Therefore, the increase in allowable emissions due to the opacity change is limited by the particulate matter emission standard.

V. How Has Alaska Addressed Maintenance of the PM–10 NAAQS?

ADEC submitted a demonstration showing that the revised opacity limit for the four facilities with the affected coal burners would not result in exceedances of the 24-hour or Annual National Ambient Air Quality Standard (NAAQS) for particulate matter less than 10 microns in diameter (PM–10). The rationale was established through data collection and analysis from both source testing and modeling.

The facilities submitted particulate matter source test data that correlated to the measured opacity recorded during the tests. The ADEC calculated particulate matter emissions using the following formula contained in 18 ACC 50.220.

$$E=E_M\,[(A+B)\times S/(R\times A)]+E_{NM}[(R-S)/R-BS/(R\times A)]$$

Where:

E=the total particulate emissions of the source in grains per dry standard cubic foot (gr/dscf).

E_M=the particulate emissions in gr/dscf measured during the test that included the routine maintenance activity.

E_{NM}=the arithmetic average of particulate emissions in gr/dscf measured by the test runs that did not include routine maintenance activity.

A=the period of routine maintenance activity occurring during the test run that included routine maintenance activity, expressed to the nearest hundredth of an hour.

B=the total period of the test run, less A.

R=the maximum period of source operation per 24 hours, expressed to the nearest hundredth of an hour.

S=the maximum period of routine maintenance activity per 24 hours, expressed to the nearest hundredth of an hour.

All calculated E, rounded to the nearest hundredth of a grain, were all within the 0.1 gr/dscf particulate matter standard (18 AAC 50.055(b)(2)(A)). The following assumptions were made: the soot-blowing activities emit the highest particulate emissions of the routine maintenance activities, so the soot-blowing demonstration was used to show compliance with the particulate standard for all routine maintenance activities. Soot-blowing duration is boiler dependent; however it lasts anywhere from 5 to 22 minutes and occurs every 6 hours; and startup and shutdown cannot be source tested because the operating conditions change rapidly and air flow is irregular. The ADEC does not require source testing during startup and shutdown operations.

A modeling protocol was developed and submitted to ADEC and EPA on September 11, 1997. The protocol discussed screening and refined modeling methodologies, procedures for calculating source emission parameters, meteorological and receptor data requirements and building downwash procedures.

The objective of the modeling was to demonstrate that revising the opacity standard would not result in exceedances of the 24-hour or Annual NAAQS for PM–10. Since all of the affected coal fired boilers were baseline units for PM–10 (i.e., in operation before the November 13, 1978) and the new allowable emissions are less than baseline actual emissions, a Prevention of Significant Deterioration increment analysis was not required.

The following general model assumptions were made: all four facilities used data from their particulate matter sources test taken during maximum allowed operating conditions; at least one run contained a routine maintenance activity (i.e., soot-blowing); and the maximum emission rate was 0.1 gr/dscf.

The modeling results showed that the affected facilities can demonstrate compliance with both the 24-hour and Annual NAAQS for PM–10 with the new revised opacity limit, as long as they also demonstrate compliance with the current grain loading standard of 0.1 gr/dscf.

In order to ensure continual compliance, ADEC will do the following. ADEC will include the startup, shutdown, grate cleaning and routine maintenance activities in the facility's operating permit issued under 18 AAC 50.340. Routine source testing and visible emission monitoring will be required. The frequency of monitoring and testing will be determined in each facility's operating permit on a case-by-case basis, depending on the specifics of the individual source.

VI. Summary of Action

While Alaska's SIP revision for the visible emission limit for coal burners is less stringent than the current visible emission limit, ADEC has demonstrated that there will be no deleterious effect on any NAAQS, Prevention of Significant Deterioration increment, or visibility in Class I areas. Therefore, we are approving a revision of the Industrial Processes and Fuel-Burning Equipment rule [18 AAC 50.055(a)(9)] for the visible emission limit of the affected coal burning boilers, located at the following facilities, that began operation before August 17, 1971 and submitted the required demonstration: Golden Valley Electric Association (GVEA), Healy (Unit #1); Eielson Air Force Base, Fairbanks (6 units); Aurora Energy, Fairbanks (4 units); and Clear Air Force Base, Clear (3 units). Additionally, we are approving a revision to the Definitions section [18 AAC 50.990] that will add definitions of grate cleaning and soot-blowing.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective August 20, 2001 without further notice unless the Agency receives adverse comments by July 20, 2001.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 20, 2001 and no further action will be taken on the proposed rule.

VII. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This

action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. section 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. section 804(2). This rule will be effective August 20, 2001 unless EPA receives adverse written comments by July 20, 2001.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 20, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2))

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the Implementation Plan for the State of Alaska was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: May 30, 2001.

Michael A. Bussell,

Acting Regional Administrator, Region 10.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart C—Alaska

2. Section 52.70 is amended by adding paragraph (c)(30) to read as follows:

§ 52.70 Identification of plan.

(c) * * *

(30) On November 1, 1999, the Alaska Department of Environmental Conservation (ADEC) submitted a SIP revision to revise the visible emission limit for coal burning boilers, during startup; shutdown; soot-blowing; grate cleaning; or other routine maintenance activities, that began operation before August 17, 1971, and submitted the required demonstration. This SIP revision is approved for the following facilities that submitted the required demonstration: Golden Valley Electric Association (GVEA), Healy (Unit #1); Eielson Air Force Base, Fairbanks (6 units); Aurora Energy, Fairbanks (4 units); and Clear Air Force Base, Clear (3 units). Additionally, we are approving a revision to the definitions section that will add definitions of grate cleaning and soot-blowing.

(i) Incorporation by reference.

(A) 18 Alaska Administrative Code (AAC) 50.055(a)(9), Industrial Processes and Fuel-Burning Equipment; as State effective on November 4, 1999. 18 AAC 50.990, subsections (106) and (107), Definitions; as State effective on January 1, 2000.

[FR Doc. 01–15416 Filed 6–19–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 099–0038; FRL–7000–1]

Withdrawal of Direct Final Rule Revising the Arizona State Implementation Plan, Pinal-Gila Counties Air Quality Control District and Pinal County Air Quality Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: EPA is withdrawing direct final approval of the recision of rules from the Pinal-Gila Counties Air Quality Control District (PGCAQCD) portion of the Arizona State Implementation Plan (SIP) that were published in the **Federal Register** on May 1, 2001 (66 FR 21675).

EFFECTIVE DATE: The direct final rule published on May 1, 2001 is withdrawn as of June 20, 2001.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105; (415) 744–1135.

SUPPLEMENTARY INFORMATION: On May 1, 2001 (66 FR 21727), EPA proposed to approve the recision of various PGCAQCD rules from the Arizona State Implementation Plan (SIP). On the same day (66 FR 21675), EPA also published a direct final rule approving the recision of these rules from the SIP. The action provided a 30 day public comment period and explained that if we received adverse comments, we would withdraw the relevant direct final action.

We did receive adverse comments, and are therefore withdrawing the direct final recision of all of the rules. We are not opening an additional comment period. We intend to finalize action on these rules based on the May 1, 2001 proposed action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: June 6, 2001.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 01–15482 Filed 6–19–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[HCFA–3074–F]

RIN 0938–AK98

Medicare and Medicaid Programs; End-Stage Renal Disease—Waiver of Conditions for Coverage Under a State of Emergency in Houston, TX Area

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: This final rule grants a waiver of the end-stage renal disease conditions for coverage to permit the transplant team of an approved renal transplant center to furnish covered kidney transplant services in three specific hospitals in the Houston, Texas area during a state of emergency crisis.

EFFECTIVE DATE: These regulations are effective on June 15, 2001.

FOR FURTHER INFORMATION CONTACT: Jackie Sheridan, (410) 786–4635, or Jennifer Doherty, (410) 786–2462.

SUPPLEMENTARY INFORMATION:

I. Provisions of this Rule

A state of emergency has resulted from a natural disaster causing massive flooding, loss of power, and disruption to basic services throughout the Houston, Texas area. A severe health and safety threat exists from the unanticipated damage done to hospitals in the entire Houston area. Approximately 2,000 hospital beds in downtown Houston have been closed, including end-stage renal disease (ESRD) facilities currently approved to furnish kidney transplant services.

Effective June 15, 2001, we are waiving the ESRD conditions for coverage in 42 CFR, part 405, subpart U to permit coverage of kidney transplant services performed by the transplant team from Memorial Hermann Hospital when performed at one of the following hospitals:

- Memorial Hermann-Memorial City Hospital (commonly referred to as Memorial City Hospital).
- Memorial Hermann Southwest Hospital (commonly referred to as Memorial Southwest Hospital).
- Memorial Hermann Southeast Hospital (commonly referred to as Memorial Southeast Hospital).

This waiver of the conditions for coverage is effective until December 15, 2001 or until memorial Hermann Hospital re-opens to furnish kidney transplant services, whichever date occurs first.

II. Waiver of Proposed Rulemaking & Delay of Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment on the proposed rule. The notice of proposed rulemaking includes a reference to the legal authority under which the rule is proposed, and the terms and substances of the proposed rule or a description of the subjects and issues involved. We generally delay the effective date of a final rule. These procedures can be waived, however, if an agency finds good cause that the notice-and-comment and effective date delay procedures are impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued. Because of the imminent danger posed to patients needing a kidney transplant and the loss of availability of facilities to perform these services, we find that notice-and-comment is impracticable, unnecessary, and contrary to the public interest.

Therefore, we find good cause to waive the notice of proposed rulemaking and delay of effective date to issue this final rule.

List of Subjects in Part 405

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

For the reasons set forth in the preamble, 42 CFR, chapter IV, is amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

1. The authority citation for part 405, subpart U continues to read as follows:

Authority: Secs. 1102, 1138, 1861, 1862(a), 1871, 1874, and 1881 of the Social Security Act (42 U.S.C. 1302, 1320b–8, 1395x, 1395y(a), 1395hh, 1395kk, and 1395rr), unless otherwise noted.

Subpart U—Conditions for Coverage of Suppliers of End-Stage Renal Disease (ESRD)

2. A new § 405.2175 is added to read as follows:

§ 405.2175 Waiver of conditions for coverage for state of emergency situations.

(a) Effective June 15, 2001, HCFA waives the ESRD conditions for coverage in this subpart to permit coverage of kidney transplant services

performed by the transplant team from Memorial Hermann Hospital when performed at one of the following hospitals:

(1) Memorial Hermann-Memorial City Hospital (commonly referred to as Memorial City Hospital).

(2) Memorial Hermann Southwest Hospital (commonly referred to as Memorial Southwest Hospital).

(3) Memorial Herman Southeast Hospital (commonly referred to as Memorial Southeast Hospital).

(b) The waiver of the conditions for coverage is effective until December 15, 2001 or until Memorial Hermann Hospital re-opens to furnish kidney transplant services, whichever date occurs first. HCFA will publish a rule removing this waiver after it expires.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Thomas A. Scully,

Administrator, Health Care Financing Administration.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–15587 Filed 6–15–01; 5:10 pm]

BILLING CODE 4120–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960531152–6152–01; I.D. 042996B]

RIN 0648–A118

Fisheries of the Exclusive Economic Zone Off Alaska; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correcting amendments.

SUMMARY: This document contains a correction to the final rule consolidating regulations for fisheries of the Exclusive Economic Zone off Alaska that was published in the **Federal Register** on June 19, 1996.

DATES: Effective June 20, 2001.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7008.

SUPPLEMENTARY INFORMATION: A final rule was published in the **Federal Register** on 61 FR 31227 (June 19, 1996), to consolidate six parts (671, 672, 673, 675, 676, and 677) in title 50 of the CFR into one new part (50 CFR part 679). A new prohibition to § 679.7 was created by combining the prohibitions from the formerly separate six parts. Individual Fishing Quota (IFQ) fisheries prohibitions were placed into § 679.7 (f).

An error was made in citing the cross reference within one paragraph placed in the new part. The former prohibition § 676.16 (d) referred the reader to an exception at § 676.17. Section 676.17 (a), entitled ''vessel clearance,'' described vessel landing procedures and became § 679.5(l)(3) entitled ''vessel clearance.'' Section 676.17(b), entitled ''Ten Percent Adjustment Policy,'' described a requirement to harvest within the allocated IFQ permit amount. This second paragraph became § 679.40 (d). The former prohibition § 676.16 (d) became § 679.7 (f)(4).

The error occurs because the cross reference at § 679.7 (f)(4) incorrectly refers the reader to an exception at § 679.5 (l)(3); the correct cite is § 679.40 (d).

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Accordingly, 50 CFR part 679 is corrected by making the following correcting amendments:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 1631 *et seq.*

§ 679.7 [Corrected]

2. In § 679.7 (f)(4), remove ''Except as provided in § 679.5 (l)(3)'' and add in its place, ''Except as provided in § 679.40 (d)''.

Dated: June 14, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–15537 Filed 6–19–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 119
Wednesday, June 20, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

[WV–092–FOR]

West Virginia Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the West Virginia regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The program amendment consists of changes to the West Virginia Surface Coal Mining and Reclamation Act as contained in Senate Bill 603. The amendment concerns reclamation plan requirements and authorizes the submittal of a master land use plan for postmining land use. The amendment also revises the provisions concerning the Office of Coalfield Community Development. The amendment is intended to improve the effectiveness of the West Virginia program.

DATES: If you submit written comments, they must be received on or before 4:00 p.m. (local time), on July 20, 2001. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m. (local time), on July 16, 2001. Requests to speak at the hearing must be received by 4:00 p.m. (local time), on July 5, 2001.

ADDRESSES: Mail or hand-deliver your written comments and requests to speak at the hearing to Mr. Roger W. Calhoun, Director, Charleston Field Office at the address listed below.

You may review copies of the West Virginia program, the proposed amendment, a listing of any scheduled hearings, and all written comments received in response to this document at the addresses below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed amendment by contacting OSM's Charleston Field Office.

Mr. Roger W. Calhoun, Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement, 1027 Virginia Street, East, Charleston, West Virginia 25301 Telephone: (304) 347–7158. E-mail: chfo@osmre.gov.

West Virginia Department of Environmental Protection, 10 McJunkin Road, Nitro, West Virginia 25143, Telephone: (304) 759–0515. The proposed amendment will be posted at the Department's Internet page: http://www.dep.state.wv.us.

In addition, you may review copies of the proposed amendment during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Morgantown Area Office, 75 High Street, Room 229, P.O. Box 886, Morgantown, West Virginia 26507, Telephone: (304) 291–4004. (By Appointment Only)

Office of Surface Mining Reclamation and Enforcement, Beckley Area Office, 323 Harper Park Drive, Suite 3, Beckley, West Virginia 25801, Telephone: (304) 255–5265.

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Charleston Field Office; Telephone: (304) 347–7158.

SUPPLEMENTARY INFORMATION:

I. Background on the West Virginia Program

On January 21, 1981, the Secretary of the Interior conditionally approved the West Virginia program. You can find background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the January 21, 1981, **Federal Register** (46 FR 5915–5956). You can find later actions concerning the conditions of approval and program amendments at 30 CFR 948.10, 948.12, 948.13, 948.15, and 948.16.

II. Discussion of the Proposed Amendment

By letter dated May 21, 2001 (Administrative Record Number WV–1217), the West Virginia Department of Environmental Protection (WVDEP) submitted an amendment to its program. The program amendment consists of changes to the West Virginia Surface Coal Mining and Reclamation Act as amended by Senate Bill 603. The amendment concerns reclamation plan requirements at section 22–3–10, and authorizes the submittal of a master land use plan for postmining land use. The amendment also revises the provisions concerning the Office of Coalfield Community Development at chapter 5B–2A sections 5 and 9. The amendment is intended to improve the effectiveness of the West Virginia program.

You will find West Virginia's program amendment presented below.

W.Va. Code 22–3–10. Reclamation Plan Requirements

The style of this section is amended in various locations by deleting the word ''such'' and by replacing that word with the word ''the.'' In addition, at subsection (a)(14), the word ''Such'' is deleted and replaced by the word ''Any.'' As amended, subsection (a)(14) provides as follows: ''(14) Any other requirements as the director may prescribe by rule.''

New subsection 22–3–10(b) is added, and existing subsection (b) is relettered as (c). New subsection (b) is added to read as follows.

(b) Any surface mining permit application filed after the effective date of this subsection may contain, in addition to the requirements of subsection (a) of this section, a master land use plan, prepared in accordance with article two-a, chapter five-b of this code, as to the post-mining land use. A reclamation plan approved but not implemented may be amended to provide for a revised reclamation plan consistent with the provisions of this subsection.

W. Va. Code 5B–2A Office of Coalfield Community Development

Section 5B–2A–5 is amended by deleting the words ''shall have and'' that appear in the first sentence, and by replacing those words with the words, ''has and may.'' In addition, section 5B–2A is amended by adding new paragraph (9) as follows:

(9) On its own initiative or at the request of a community in close proximity to a mining operation, or a mining operation, offer assistance to facilitate the development of economic or community assets. Such

assistance may include the preparation of a master land use plan pursuant to the provisions of section nine of this article.

Section 5B–2A–9 is amended by adding new subsection (f) as follows:

(f) In addition to the coal field community development statement cited in subsection (a) of this section, the office may secure developable land and infrastructure for a development office or county through the preparation of a master land use plan for inclusion into a reclamation plan prepared pursuant to the provisions of section ten, article three, chapter twenty-two of this code. Participation in a master land use plan is voluntary.

(1) State, local, county or regional development authorities may determine land and infrastructure needs within their jurisdictions through the development of a master land use plan which incorporates post-mining land use needs that include industrial uses, commercial uses, agricultural uses, public facility uses or recreational facility uses.

(2) A master land use plan must be reviewed by the office of coalfield community development before the master land use plan can be approved.

(3) The required infrastructure component standards needed to accomplish the designated post-mining land uses identified in subdivision one of this subsection shall be developed by the relevant state, local, county or regional development authority. The standards must be in place before the respective state, local, county or regional development authority can accept ownership of property donated pursuant to a master land use plan. Acceptance of ownership of such property by a state, local, county or regional development authority may not occur unless it is determined that: (a) The Property use is compatible with adjacent land uses; (b) the use satisfies the relevant development authority's anticipated need and market use; (c) the property has in place necessary infrastructure components needed to achieve the anticipated use; (d) the use is supported by all other appropriate public agencies; and (e) the use is feasible. Required infrastructure component standards require approval of the relevant county commission or commissions before such standards are accepted. County commission approval may be rendered only after a reasonable public comment period.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), we are seeking comments, on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the West Virginia program.

Written Comments

If you submit written or electronic comments on the proposed amendment during the 30-day comment period, they should be specific, should be confined to issues pertinent to the notice, and should explain the reason for your recommendation(s). We may not be able to consider or include in the Administrative Record comments delivered to an address other than the one listed above (see **ADDRESSES**).

Electronic Comments

Please submit Internet comments as an ASCII, Word Perfect, or Word file avoiding the use of special characters and any form of encryption. Please also include Attn: SPATS NO. WV–092–FOR'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Charleston Field office at (304) 347–7158.

Availability of Comments

Our practice is to make comments, including names and home addresses of respondents, available for public review during our regular business hours at the OSM Administrative Record Room (see **ADDRESSES**). Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Public Hearing

If you wish to speak at the public hearing, you should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m. (local time), on July 5, 2001. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who testifies at a public hearing provide us with a written copy of his or her testimony. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with OSM representatives to discuss the proposed amendment, you may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart federal regulation.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the federal and state governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the

applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of state regulatory programs and program amendments since each such program is drafted and promulgated by a specific state, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed state regulatory programs and program amendments submitted by the states must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed state regulatory program provision does not constitute a major federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The state submittal which is the subject of this rule is based upon counterpart federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the state. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart federal regulation.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the state submittal which is the subject of this rule is based upon counterpart federal regulations for which an analysis was prepared and a determination made that the federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 8, 2001.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 01–15499 Filed 6–19–01; 8:45 am]

BILLING CODE 4310–05–P

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM2001–2; Order No. 1317]

Rules of Practice and Procedure

AGENCY: Postal Rate Commission.

ACTION: Request for comments and technical conference.

SUMMARY: The Commission is soliciting comments on electronic filing procedures. The objective is to develop a rule that makes use of modern technology, reduces the burden and expense of paper filing, and facilitates public access to data filed with the Commission.

DATES: Comments are due by July 9, 2001; a technical conference is scheduled for July 11, 2001 at 10 a.m.

ADDRESSES: Send comments to Steven W. Williams, Acting Secretary, Postal Rate Commission, 1333 H Street, NW., Suite 300, Washington, DC 20268–0001. The technical conference will be held at the above address.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, 202–789–6820.

SUPPLEMENTARY INFORMATION: The Commission is issuing this document to solicit comments on procedures, currently under consideration, to permit the filing of documents electronically (filing online). In addition, the Commission hereby gives notice of a technical conference to address the filing online process. Following the technical conference, the Commission expects to issue a notice of proposed rulemaking to revise its rules of practice and procedure to reflect the availability of filing online.

Consistent with government-wide initiatives to allow for the electronic filing and storage of documents in lieu of paper (hardcopy),[1] the Commission is in the process of developing procedures to accept the filing of documents electronically (filing online). To that end, the Commission recently updated its web site (www.prc.gov) by introducing a new option to enable parties to download multiple documents simultaneously. This feature simplifies and expedites the downloading process.

While participation will not be mandatory, the Commission anticipates general use of filing online given the significant savings associated with electronic filing coupled with the widespread and growing access to the Internet. Filing online should reduce the cost of participating in proceedings before the Commission substantially because the need to serve parties will be virtually, if not entirely, eliminated. Thus, substantial preparation costs will be avoided. In addition, filing online should enable participants to operate more efficiently. For example, the process of submitting documents for filing will be greatly simplified; transaction costs associated with the actual filing of a hard copy, in addition to those for printing and postage, will be eliminated; any confusion over service dates will be avoided; and participants will have access to documents sooner, in both a PDF (portable document format) that accurately reflects the document filed and that is more efficient to download, and an RTF (rich text format) that can be more easily used in preparing other documents (such as discovery responses). Moreover, the system will contain safeguards ensuring participants' control over their documents prior to filing and that only documents that a participant wishes to file will be filed.

[1] See, e.g., the Government Paperwork Elimination Act, Pub. L. No. 105277, 17021704.

The Commission, too, will reap benefits. Filing online will eliminate the need to scan and optically character read (OCR) each filing. As a result, filings can be posted on the web site more promptly, in substantially reduced file sizes, and in a manner true to the document filed. Thus, the Commission will be able to provide better service to the public at reduced costs. In sum, filing online offers substantial, tangible benefits for participants and the Commission.

Improved technology makes filing online a realistic goal. Nonetheless, filing online remains a work in progress. The Commission's current vision of the process is outlined in greater detail in the attachment.[2] Briefly, its salient points are as follows: filing online will be available only to account holders; documents filed must be submitted in PDF, although documents in other formats may be attached; participants may use the Commission's web site to create PDF documents or may produce their own; and the PRC system will automatically create an RTF document from the PDF version for pasting text into other documents.

While the Commission would like to introduce filing online promptly, the greater concern is that the process ultimately adopted operates effectively and efficiently to the benefit of the greatest number of prospective participants. Consequently, the Commission is convening a technical conference to discuss the filing online process. The conference will be held July 11, 2001, to commence at 10 a.m. in the Commission's hearing room. In addition, persons unable to attend the conference or interested in facilitating discussion at the conference are invited to submit comments on the proposed filing online service by July 9, 2001.

Ted P. Gerarden, director of the office of consumer advocate, is designated to represent the interests of the general public in this docket.

Ordering Paragraphs

It is ordered:

1. A technical conference will be held July 11, 2001, commencing at 10 a.m. in the Commission's hearing room, to discuss the filing online process.

2. Interested persons may submit comments on the proposed filing online process by July 9, 2001.

3. Ted P. Gerarden, director of the office of consumer advocate, is designated to represent the interests of the general public in this docket.

4. The acting secretary shall cause this notice and order to be published in the **Federal Register**.

Authority: 39 U.S.C. 3603.

Steven W. Williams,

Acting Secretary.

Overview of Electronic Filing Process

I. Download Option

Recently, the Commission completed the development of a new option to enable website users to download multiple documents from its daily listing. Currently, this download feature is available only on systems running Windows and Internet Explorer and requires the copying of four (4) dll files (dynamic link libraries) to the user's local computer. This will occur automatically the first time that the feature is utilized. This configuration appears to be the only way to enable browsers to download multiple files into a directory structure. Although the Commission has encountered no difficulties with the dll files, it is possible that not every configuration will have the same success.

The download process is very simple: just check the boxes to the right of each document to be downloaded, or alternatively click the ''check all'' button, and then click the ''download checked files'' button. A download screen will appear, prompting the user to enter a download location, i.e., the drive and subdirectory to be used as the ''root.'' Once the ''submit'' button is clicked, a box appears showing the files to be downloaded and the destination path. Click the ''start download'' button to begin the process. Users may find it helpful to create a special directory to serve exclusively as the ''root'' for this purpose.

II. Filing Online

Electronic filing offers a host of advantages over the status quo. The notice identifies some of those benefits, but underscores that filing online remains under development. The following describes the filing online process currently under consideration by the Commission. In designing this process, the Commission has been guided by two underlying principles, flexibility and security. First, the Commission has attempted to fashion a process to minimize compliance costs while still enabling the account holder to exercise control over documents to be filed. To that end, the process gives the account holder the option to create a PDF using the PRC's server or using his or her own software. Second, the Commission addressed security issues by providing secure work areas, opportunities for document review, and RTF files.

A. Account Holder Application

Each person desiring to submit an electronic filing must complete and return the application form, available on the PRC website, to the Commission. This form need be submitted only once, provided that the information submitted remains unchanged.

The application will be similar to the following:

Account Holder Application

Name
Affiliation
Address
Phone
Email address

By signing this application I, _____, recognize that the authenticity of all documents filed under this account and password is my responsibility as the account holder.

Signature of account holder

The account holder will receive a login name and password by mail. The Commission anticipates that the process ultimately employed will enable the account holder to select an individual login name and password. Attorney account holders representing more than one party may file on behalf of any party using a single login name and password.

B. Login to the PRC's Server

The PRC web site will contain a link to ''filing online.'' After selecting this option, the account holder will be greeted with a login screen similar to the following:

Welcome to the PRC filing online
Login name
Password
[button for] Login

The account holder will enter the login name and password received from the Commission to reach the work area.

C. Work Area

The account holder's work area serves several functions.

First, it identifies the ''documents submitted today.'' These are filings submitted that business day by the account holder; they are posted for informational purposes only, and cannot be edited.

Second, it identifies ''documents in progress.'' These are potential filings (document(s)) for which the account holder has entered some information, e.g., party or document title, and perhaps has attached other files, but that have not yet been submitted for filing. The account holder can edit these documents by selecting the relevant

[2] For information purposes, the attachment also summarizes the new download option.

one(s) and then clicking the ''open existing document'' button.

Third, the account holder can create a new document by clicking on the ''create new document'' button. The account holder will be prompted to identify the filing party(ies) and enter the title of document. An area for comments will be provided.

Fourth, because each filing must have a PDF file, the work area provides the account holder with a process to convert documents to PDF using the PRC's server. Clicking on the ''convert files to PDF'' button begins the conversion. This process is addressed in detail in section II D, below.

Illustratively, the screen of an account holder with the OCA may look something like this:

Documents Submitted Today

Party(ies) Title
OCA Answer of the OCA to interrogatories of UPS, witness: Callow (UPS/OCA–T1–1–15)
OCA Answer of the OCA to interrogatories of UPS, witness: Thompson (UPS/OCA–T2–7–11)

Documents in progress

OCA Answer of the OCA to interrogatories of USPS, witness: Callow (UPS/OCA–T1–1–8)
OCA Answer of the OCA to interrogatories of UPS, witness: Thompson (UPS/OCA–T2–1–11)
[button for] Open existing document
[button for] Create new document
[button for] Convert files to PDF

D. Converting to PDF

Two PDF options will be available; the first is available at no charge through the PRC's website; alternatively, participants may purchase the appropriate software to create their own PDF files.

1. On PRC Server

The conversion screen will display the account holder's uploaded files, as well as buttons for uploading, converting, and reviewing documents.

[button for] Upload files

Upon Clicking the button to upload, the Account Holder will be prompted to select the documents to be converted from the account holder's local system. The documents will be copied to the work area on the PRC's server.

On the convert page, the account holder will be prompted to select the document(s) to be converted, and then to click the ''convert files now'' button.

[button for] Convert files now

After conversion, the account holder may review the PDF(s) produced. A list will be displayed allowing the account holder to download and review each PDF prior to filing.

[button for] Review PDFs

2. On Account Holder's System

Adobe Acrobat Reader© is the free software that allows one to view PDF files. Adobe Acrobat© is the most common software program used to produce PDF files. Those not converting to PDF on the PRC's server may purchase Adobe Acrobat© to produce PDF files on their own system. The Commission's web site will contain a link to the appropriate site where such software may be purchased. To reiterate, account holders are not required to purchase anything to participate in filing online.

Once the PDF is ready, it may be filed.

E. Filing

The date and time of filing are established by the PRC's server. The individual responsible for the filing is determined by the account used. That individual will be required to identify on whose behalf the filing is being made and enter the document title as it appears on the document. An optional field for comments will be available.

Once the preliminary information is entered, the PDF and any other electronic files should be attached to the filing. The PDF of the document is required.

The account holder should confirm that the information entered is correct and that the appropriate files are attached and then click the ''submit'' button.

[button for] Submit

After clicking the ''submit'' button, the account holder will be prompted that the filing will become official and that the account holder may not access it further upon clicking the ''ok'' button. Alternatively, the account holder may cancel the transaction by clicking the ''cancel'' button.

[button for] OK

[button for] Cancel

Following submission of a filing, a receipt page will appear that the account holder may print for his or her records.

F. Processing

Once the filing is submitted, i.e., the ''ok'' button is clicked, an RTF file will be produced. The RTF is a formatted text file generated from the PDF submitted, i.e., only the text visible in the PDF is included and it is free of excess hard returns. Participants may open this file in their word processors and utilize it as they deem appropriate, e.g., cut and paste from it or modify it to create another pleading.

Finally, upon receipt of a filing, Commission personnel in dockets will check the document information and attached files. Assuming these checks reveal no problem, the filing will be made available on the Commission's web site. If there is a problem, the account holder will be contacted.

[FR Doc. 01–15436 Filed 6–19–01; 8:45 am]
BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. AK–24–1712b; FRL–6993–8]

Approval and Promulgation of State Implementation Plans: Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Alaska for the purpose of revising the visible emission limit for coal burning boilers, during startup; shutdown; soot-blowing; grate cleaning; or other routine maintenance activities, that began operation before August 17, 1971, and submitted the required demonstration. Additionally, we are proposing to approve a revision to the definitions section that will add definitions of grate cleaning and soot-blowing. The SIP revision was submitted by the State to satisfy certain Federal Clean Air Act requirements under Section 110. In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before July 20, 2001.

ADDRESSES: Written comments should be addressed to: Roylene A. Cunningham, EPA Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101. Copies of the State submittal and other information supporting this action are available at the following addresses for inspection during normal business hours. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day: EPA Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101; and Alaska Department of Environmental Conservation, 410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801–1795.

FOR FURTHER INFORMATION CONTACT: Roylene A. Cunningham, EPA Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–0513.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final rule which is located in the Rules Section of this **Federal Register**.

Dated: May 30, 2001.

Michael A. Bussell,

Acting Regional Administrator, Region 10.

[FR Doc. 01–15417 Filed 6–19–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7000–2]

California: Proposed Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: California has applied to EPA for final authorization of certain changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed California's application and made the tentative decision that these changes satisfy all requirements needed to qualify for final authorization, and is proposing to authorize the State's changes.

DATES: EPA must receive written comments on California's application for authorization for changes to its hazardous waste management program by July 20, 2001.

ADDRESSES: Send written comments to Rebecca Smith, WST–3, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Phone number (415) 744–2152. You can view and copy California's application at the following addresses: California Environmental Protection Agency, Environmental Services Center, 1001 I Street, First Floor, Sacramento, CA 95814, phone number: (916) 322–7394, from 8 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday (appointment preferred but not required); and EPA Region 9, Library, 75 Hawthorne Street, San Francisco, CA 94105–3901, phone number: (415) 744–1510, from 9 a.m. to 4 p.m. Copy services are not available in Sacramento, but should be arranged by the viewer.

FOR FURTHER INFORMATION CONTACT: Rebecca Smith at the above address and phone number.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, states must change their programs and ask EPA to authorize the changes. Changes to state programs may be necessary when Federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, states must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

EPA has made the tentative determination that California's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we are proposing to grant California final authorization to operate its hazardous waste program with the changes described in the authorization application. California will have responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized states before such states are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in California, including issuing permits, until the State is granted authorization to do so.

C. What Will Be the Effect if California Is Authorized for These Changes?

If California is authorized for these changes, a facility in California subject to RCRA will have to comply with the authorized State requirements in lieu of the corresponding Federal requirements in order to comply with RCRA. Additionally, such persons will have to comply with any applicable Federally-issued requirements, such as, for example, HSWA regulations issued by EPA for which the State has not received authorization, and RCRA requirements that are not supplanted by authorized state-issued requirements. California continues to have enforcement responsibilities under its State law to pursue violations of its hazardous waste management program. EPA continues to have independent authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, the authority to:

- Do inspections, and require monitoring, tests, analyses or reports,
- Enforce RCRA requirements (including State-issued statutes and regulations that are authorized by EPA and any applicable Federally-issued statutes and regulations) and suspend or revoke permits, and
- Take enforcement actions regardless of whether the State has taken its own actions.

The action to approve these revisions would not impose additional requirements on the regulated community because the regulations for which California will be authorized are already effective under State law and are not changed by the act of authorization.

EPA cannot delegate the Federal requirements at 40 CFR Part 262, Subparts E and H. Although California has adopted these requirements verbatim from the Federal regulations in Title 22 of the California Code of Regulations, sections 66260–66262, EPA will continue to implement those requirements.

D. What Happens If EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will address those comments in a later final rule. You may not have another opportunity to comment. If you want to comment on

this authorization, you must do so at this time.

F. What Has California Previously Been Authorized for?

California initially received final authorization on July 23, 1992, effective August 1, 1992 (57 FR 32726), to implement the RCRA hazardous waste management program. This ''base program authorization'' authorized California's RCRA program based on California statutory and regulatory provisions in effect as of December of 1990.

G. What Changes Are We Proposing?

On January 31, 2000, California submitted a final complete program revision application, seeking authorization of their changes in accordance with 40 CFR 271.21. We have made a tentative determination that California's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. California has applied for many of the Federal changes to the RCRA program since it was authorized for the base program. The earliest of these Federal changes goes back to 1989. However, there are several changes to the Federal program which have been made since California's base program was authorized for which California has not yet applied for authorization. The major areas of changes for which California has not yet applied for authorization are: The used oil regulations; consolidated liability requirements; military munitions; phases three and four of the land disposal restrictions; and universal waste.

Since authorization of California's base program in 1992, California has submitted numerous packages to EPA relating to its efforts to seek authorization for updates to its program based on revisions to the Federal program. EPA has published a series of checklists to aid California and the other states in such efforts, (see EPA's RCRA State Authorization web page at http://www.epa.gov/epaoswer/hazwaste/state/rcra.htm#csrc). Each checklist generally reflects changes made to the Federal regulations pursuant to a particular **Federal Register** notice. California's submittals have been grouped into general categories (e.g., Air Emissions Standards, Boilers and Industrial Furnaces, etc.). Each submittal may have reflected changes based on one or more **Federal Register** notices and would have thus referenced one or more corresponding checklists.

What follows is a summary, for each general category identified by California in its submittals, of the specific subjects of changes to the Federal program for that category. Although the changes to the Federal program are identified in the summary, California did not necessarily make revisions to its program as a result of each Federal revision noted. For example, certain revisions to the Federal program may have resulted in less stringent regulation than that which previously existed. Since states may maintain programs which are more stringent than the Federal program, states have the option whether or not to adopt such revisions.

1. Changes California Identified as Relating to Air Emissions Standards

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program in the following areas: Organic air emission standards for process vents and equipment leaks; and organic air emissions standards for tanks, surface impoundments and containers.

2. Changes California Identified as Relating to the Toxicity Characteristic

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program in the following areas: Interim status standards for down-gradient ground-water monitoring well locations; hydrocarbon recovery operations; chlorofluorocarbon refrigerants; the mining waste exclusion; the recycled coke by-product exclusion; the toxicity characteristic leaching procedure; the mixture and derived-from rules; the removal of strontium sulfide from the list of hazardous wastes; the adoption of an administrative stay for K069 listing (emission control dust/sludge from secondary lead smelting); the adoption of certain technical corrections to the 1990 toxicity characteristic rule; the listing of chlorinated toluene production waste (K149, K150, K151); the standards for treating liquids in landfills; the references which specify testing requirements and monitoring activities; the listing of hazardous constituents from the use of chlorophenolic formulations in wood surface protection; the reference relating to wood surface protection; the listing of beryllium powder (P015); and provisions to be met for excluding as a hazardous waste certain wastewaters from the production of carbamates and carbamoyl oximes (K157).

3. Changes California Identified as Relating to Corrective Action Management

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program in the following areas: Corrective action management units and temporary units.

If these changes are authorized, they will include final authorization of California for the February 16, 1993 Corrective Action Management Unit (CAMU) rule. If California is authorized for the rule, the State will be eligible for interim authorization-by-rule for the proposed amendments to the CAMU rule, which also proposed the interim authorization-by-rule process (see August 22, 2000, 65 FR 51080, 51115). California will also become eligible for conditional authorization if that alternative is chosen by EPA in the final CAMU amendments rule.

4. Changes California Identified as Relating to Boilers and Industrial Furnaces

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program in the following areas: Burning of hazardous waste in boilers and industrial furnaces; an administrative stay for coke ovens; the recycled coke by-products exclusion; certain coke by-products listings; guidelines for air quality modeling and screening for boilers and industrial furnaces burning hazardous waste; the adoption of an administrative stay and interim standards for Bevill residues; and certain technical amendments to record keeping instructions.

5. Changes California Identified as Relating to Wood and Sludge

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program in the following areas: Wood preserving listings; and petroleum refinery primary and secondary oil/water/solids separation sludge listings.

We also propose to find that California did not need to adopt a Federal administrative stay for the requirement that existing drip pads be impermeable because the stay expired on October 30, 1992.

6. Changes California Identified as Relating to Liners and Leak Detection

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program in the

following area: Liners and leak detection systems for hazardous waste land disposal units.

7. Changes California Identified as Relating to Recyclable Materials Used in a Manner Constituting Disposal

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program in the following area: The removal of the conditional exemption for certain slag residues.

8. Changes California Identified as Relating to Recovered Oil

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program in the following area: The recovered oil exclusion.

9. Changes California Identified as Relating to Delay of Closure

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program in the following area: The delay of closure period for hazardous waste management facilities.

10. Changes California Identified as Relating to Public Participation

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program in the following area: Expanded public participation.

11. Changes California Identified as Relating to Used Oil Filters

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program in the following area: The used oil filter exclusion.

12. Changes California Identified as Relating to Land Disposal Restrictions (LDR)

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program in the following areas: LDR third third scheduled wastes; electric arc furnace dust (K061); LDRs for newly listed wastes and hazardous debris; LDRs for ignitable and corrosive characteristic wastes whose treatment standards were vacated; case-by-case capacity variances for hazardous debris; case-by-case capacity variances for lead-bearing hazardous materials; case-by-case capacity variances for hazardous soil; and universal treatment standards and treatment standards for organic characteristic wastes and newly listed wastes.

13. Changes California Identified as Relating to Exports

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program in the following area: The identification of the U.S. EPA office to which the notification of export activities and annual export reports must be sent. California has also adopted the Federal regulations implementing a graduated system of procedural and substantive controls for hazardous wastes as they move across national borders within the Organization for Economic Cooperation and Development (OECD) for recovery. The requirements for regulating exports, Subparts E and H of 40 CFR Part 262, will be administered by the U.S. EPA instead of California because the exercise of foreign relations and international commerce powers is delegated to the Federal government under the Constitution. California has adopted these export rules into Title 22 California Code of Regulations for the convenience of the regulated community.

14. Miscellaneous Changes

We are proposing to grant California final authorization for all revisions, if any, to its program due to certain changes to the Federal program which removed certain legally obsolete rules.

The following table shows the Federal and analogous State provisions involved in this tentative decision and the relevant corresponding checklists:

BILLING CODE 6560–50–P

Description of Federal requirement (checklist #)	**Federal Register** date and page	Analogous State authority
40 Code of Federal Regulations (40 CFR) 60, Appendix A, Air Emission Standards (AirES), checklist 154.	(154) 59 FR 62896, Dec. 6, 1994 [amended by 60 FR 26828, May 19, 1995; 60 FR 50426, Sept. 29, 1995; 60 FR 56952, Nov. 13, 1995; 61 FR 4903, Feb. 9, 1996; 61 FR 28508, June 5, 1996; and 61 FR 59932, Nov. 25, 1996].	(154) Title 22, California Code of Regulations (22 CCR) 66260.11, amended June 11, 1999.
40 CFR 124.31–124.33 Public Participation (Public), checklist 148.	(148) 60 FR 63417, Dec. 11, 1995	(148) 22 CCR 66260.10, 66271.31–66271.33, amended June 18, 1997.
40 CFR 260.10 Wood and Sludge (Wood), checklist 82; Boilers and Industrial Furnaces (BIF), checklists 85, 111; Toxicity characteristics (TC), checklists 99, 118; Liners and Leak Detection (Liners), checklist 100; Land Disposal Restrictions (LDR), checklist 109; Corrective Action Management Units (CAMU), checklist 121.	(82) 55 FR 50490, Dec. 6, 1990; (85) 56 FR 7134, Feb. 21, 1991; (99) 56 FR 66365, Dec. 23, 1991; (100) 57 FR 3462, Jan. 29, 1992; (109) 57 FR 37194, Aug. 18, 1992; (111) 57 FR 38558, Aug. 25, 1992; (118) 57 FR 54452, Nov. 18, 1992; (121) 58 FR 8658, Feb. 16, 1993.	(99) 22 CCR 66260.10, adopted 1991; (82) 22 CCR 66260.10, amended, 1994; (121) 22 CCR 66260.10, amended 1996; (100) 22 CCR 66260.10, amended July 1, 1996; (85, 111) 22 CCR 66260.10, amended Feb. 11, 1997; (109) 22 CCR 66260.10, amended Aug. 15, 1997; (118) 22 CCR 66260.10, amended Nov. 12, 1998.
40 CFR 260.11 AirES, checklists 79, 154; BIF, checklists 85, 125; TC, checklists 126, 128, 132, 139, 141, 158.	(79) 55 FR 25454, June 21, 1990; (125) 58 FR 38816, July 20, 1993; (126) 58 FR 46040, Aug. 31, 1993; (128) 59 FR 458, Jan. 4, 1994; (132) 59 FR 28484, June 2, 1994; (139) 60 FR 3089, Jan. 13, 1995; (141) 60 FR 17001, Apr. 4, 1995; (158) 62 FR 32452, June 13, 1997.	(79) 22 CCR 66260.11, amended 1993; (85, 125) 22 CCR 66260.11, amended July 1, 1996; (154, 126, 128, 132, 139, 141, 158) 22 CCR 66260.11, amended June 11, 1999.
40 CFR 260.20; BIF, checklist 111	.....	(111) California did not adopt this provision.
40 CFR 260.22; TC, checklist 126	.....	(126) California did not adopt this provision for delisting hazardous waste.

Description of Federal requirement (checklist #)	**Federal Register** date and page	Analogous State authority
40 CFR 260.30–260.33; LDR, checklist 137	(137) 59 FR 47982, Sept. 19, 1994	(137) California Health and Safety Code (HSC) Division 20, 25143(c), amended 1996. California is not seeking to have these provisions delegated.
40 CFR 261.2; BIF, checklists 85, 94, 96, 111; LDR, checklist 137.	(94) 56 FR 32688, July 17, 1991; (96) 56 FR 42504, Aug. 27, 1991.	(85, 94, 96, 111) HSC Division 20, 25143.2, amended 1988; 22 CCR 66261.2, adopted July 1, 1996; (137) HSC Division 20, 25143.2, amended 1996.
40 CFR 261.3; BIF, checklist 94, 96; TC, checklists 117, 140; LDR, checklists 83, 95, 109; Recovered Oil Exclusion, checklist 135.	(83) 56 FR 3864, Jan. 31, 1991; (95) 56 FR 41164, Aug. 19, 1991; (117) 57 FR 7628, March 3, 1992 and 57 FR 23062, June 1, 1992; (135) 59 FR 38536, July 28, 1994; (140) 60 FR 7824, Feb. 9, 1995 [amended at 60 FR 19165, Apr. 17, 1995; 60 FR 25619, May 12, 1995].	(117) HSC Division 20, 25143.2, amended 1994; (135) HSC Division 20, 25144, amended 1995; (135) HSC Division 20, 25143.2, amended 1996; (94, 96) 22 CCR 66261.3, amended Jan. 31, 1997; HSC, Division 20, 25143.2, amended 1988; (83, 95, 109) 22 CCR 66261.3, amended Aug. 15, 1997; (117, 140) 22 CCR 66261.3, amended Nov. 12, 1998.
40 CFR 261.4; TC, checklists 80, 84, 90, 105, 108; Wood, checklists 82, 92; BIF, checklists 85, 105, 110; LDR, checklist 95; Used Oil Filters, checklists 104, 107; Recovered Oil Exclusion, checklist 135.	(80) 55 FR 40834, Oct. 5, 1990; (84) 56 FR 5910, Feb. 13, 1991; (90) 56 FR 66365, Dec. 23, 1991; (92) 56 FR 30192, July 1, 1991; (104) 57 FR 21524, May 20, 1992; (105) 57 FR 27880, June 22, 1992; (107) 57 FR 29220, July 1, 1992; (108) 57 FR 30657, July 10, 1992; (110) 57 FR 37284, Aug. 18, 1992.	(82, 92, 95, 104, 105, 107, 108, 110) California did not adopt these exclusions; (85, 90) HSC Division 20, 25143.1, amended 1991; (80, 84, 105) 22 CCR 66261.24, amended 1994; (135) HSC Division 20, 25144, amended 1995; 25143.2, amended 1996
40 CFR 261.6; AirES, checklists 79, 154; BIF, checklists 85, 94; Recovered Oil Exclusion, checklist 135.	.....	(85) HSC Division 20, 21543.2, amended 1988; (79) 22 CCR 66266.12, adopted 1993; (135) HSC Division 20, 25144, amended 1995; (135) HSC Division 20, 25143.2, amended 1996; (94) 22 CCR 66261.6, amended June 12, 1997; (154) 22 CCR 66261.6, amended June 11, 1999
40 CFR 261.20; LDR, checklist 83	.....	(83) 22 CCR 66261.20, adopted July 1, 1991
40 CFR 261.22 and 261.24; TC, checklist 126	.....	(126) 22 CCR 66261.22 and 66261.24, amended Nov. 12, 1998
40 CFR 261.31; LDR, checklist 83; Wood, checklists 81, 82, 89, 120; Removal of Legally obsolete rules, checklist 144.	(81) 55 FR 46354, Nov. 2, 1990, amended at 55 FR 51707, Dec. 17, 1990; (89) 56 FR 21955, May 13, 1991; (120) 57 FR 61492, Dec. 24, 1992 (144) 60 FR 33912, June 29, 1995.	(81, 82, 83, 89, 120) 22 CCR 66261.31, amended Oct. 10, 1994 (144) California did not adopt these rules and does not need to repeal them.
40 CFR 261.32, 261.33; TC, checklists 86, 88, 115, 134, 140; BIF, checklist 110.	(86) 56 FR 7567, Feb. 25, 1991; (88) 56 FR 19951, May 1, 1991; (115) 57 FR 47376, Oct. 15, 1992; (134) 59 FR 31551, June 20, 1994.	(110) 22 CCR 66261.32, amended July 31, 1996; (86, 88, 115, 134, 140) 22 CCR 66261.32, 66261.33, amended Nov. 12, 1998.
40 CFR 261.35; Wood, checklists 82, 92	.....	(82, 92) 22 CCR 66261.35, adopted 1994.
40 CFR 261, Appendices II, III, VII, VIII, X; Wood, checklists 81, 82; TC, checklists 86, 115, 119, 126, 128, 134, 140; BIF, checklist 110.	(119) 57 FR 55114, Nov. 24, 1992	(81, 82) 22 CCR, Division 4.5, Chapter 11, Appendices III, VII, VIII, amended 1994; (110) 22 CCR, Division 4.5, Chapter 11, Appendix VII, amended July 31, 1996; (86, 115, 126, 128, 134, 140) 22 CCR, Division 4.5, Chapter II, Appendices II, III, VII, VIII, X, amended Nov. 12, 1998 (119) California did not adopt this regulation.
40 CFR 262.11; LDR, checklist 83	.....	(83) 22 CCR 66262.11, adopted July 1, 1991.
40 CFR 262.34; Wood, checklists 82, 92; LDR, checklists 83, 109; AirES, checklist 154.	.....	(82, 92) 22 CCR 66262.34, adopted 1994; (83, 109) 22 CCR 66262.34, amended Oct. 28, 1997; (154) 22 CCR 66262.34, amended June 11, 1999
40 CFR 262.53(b) and 262.56(b); Exports, checklist 97.	(97) 56 FR 43704, Sept. 4, 1991	(97) 22 CCR 66262.53(c) and 66262.56(b), amended 1993
40 CFR 264.1, 265.1; BIF, checklist 111; CAMU, checklist 121; LDR, checklists 124, 137.	(124) 58 FR 29860, May 24, 1993	(121) 22 CCR 66265.1, amended 1996; (124) HSC Division 20, 25179.2, amended 1996; (111, 124) 22 CCR 66264.1, 66265.1, amended June 12, 1997; 66270.69, amended July 31, 1996; (137) California did not adopt these exemptions.
40 CFR 264.3; CAMU, checklist 121	.....	(121) 22 CCR 66264.3, amended 1996

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40 CFR 264.13, 265.13; Delay of Closure (Closure), checklist 64; AirES, checklists 79, 87, 154; LDR, checklist 102; TC, checklist 118.	(64) 54 FR 33376, Aug. 14, 1989; (87) 56 FR 19290, Apr. 26, 1991; (102) 57 FR 8086, Mar. 6, 1992.	(79, 87) 22 CCR 66264.13, 66265.13, amended 1993; (64, 102) 22 CCR 66264.13, amended Oct. 22, 1996; 66265.13, amended, July 20, 1996; (118) 22 CCR 66264.13, 66265.13, amended Nov. 12, 1998; (154) 22 CCR 66264.13, 66265.13, amended June 11, 1999
40 CFR 264.15, 265.15; AirES, checklists 79, 154, 163; Liners, checklist 100.	(163) 62 FR 64636, Dec. 8, 1997	(79) 22 CCR 66264.15, 66265.15, amended 1993; (100) 22 CCR 66264.15, 66265.15, amended July 19, 1995; (154, 163) 22 CCR 66264.15, 66265.15, amended June 11, 1999
40 CFR 264.19, 265.19; Liners, checklist 100		(100) 22 CCR 66264.19, 66265.19, amended June 30, 1997
40 CFR 264.73, 264.77, 265.73, and 265.77; AirES, checklists 79, 87, 154, 163; Liners, checklist 100.		(79, 87) 22 CCR 66264.73, 66264.77, 66265.73, and 66265.77, amended 1993; (100) 22 CCR 66264.73, amended Jan. 31, 1996; 66256.73, amended June 30, 1997; (154, 163) 22 CCR 66264.73, 66264.77, 66265.73, and 66265.77, amended June 11, 1999
40 CFR 264.101; CAMU, checklist 121		(121) 22 CCR 66264.101, amended 1996
40 CFR 264.110–264.111; 265.110–265.111; LDR, checklist 109.		(109) 22 CCR 66264.110–66264.111, 66265.110–66265.111, amended Aug. 15, 1997
40 CFR 264.112, 264.113; 265.112, 265.113; Closure, checklist 64, BIF, checklists 85, 96; LDR, checklist 109.		(64) 22 CCR 66264.112, 66264.113, 66265.112, 66265.113, amended Oct. 22, 1996; (85, 96) 22 CCR 66264.112, 66265.113, amended Dec. 23, 1996; 66265.112, amended Jan. 7, 1997; (109) 22 CCR 66264.112, 66265.112, amended Aug. 15, 1997.
40 CFR 264.140, 264.142, 265.140, 265.142; Closure, checklist 64; LDR, checklist 109.		(64) 22 CCR 66264.142, 66265.142, amended July 20, 1996; 66265.113, amended Oct. 22, 1996; (109) 22 CCR 66264.140, 66264.142, 66265.140, 66265.142, amended Aug. 15, 1997.
40 CFR 264.179, 265.178; AirES, checklist 154		(154) 22 CCR 66264.179, adopted June 11, 1999; 66265.178, amended June 11, 1999.
40 CFR 264.190, 265.190; Wood, checklist 82; TC, checklist 126.		(82) 22 CCR 66264.190, 66265.190, adopted 1994; (126) 22 CCR 66264.190, 66265.190, amended Nov. 12, 1998.
40 CFR 264.200, 265.202; AirES, checklist 154		(154) 22 CCR 66264.200, 66265.202, adopted June 11, 1999.
40 CFR 264.221–264.223, 264.226, 264.228, 265.221–365.223, 265.226, 265.228; Liners, checklist 100; LDR, checklist 109.		(100) 22 CCR 66264.221, 66265.221, amended Oct. 21, 1997; 66264.222, 66265.222, 66265.228, amended June 30, 1997; 66264.223, adopted July 19, 1995; 66264.228, 66265.223, amended July 19, 1995; (109) 22 CCR 66265.221, amended Aug. 15, 1997.
40 CFR 264.232, 265.231; AirES, checklist 154		(154) 22 CCR 66264.232, 66265.231, adopted June 11, 1999.
40 CFR 264.251–264.254, 265.254, 265.255, 265.259, 265.260; Liners, checklist 100.		(100) 66264.251, amended Oct. 21, 1997; 66264.252, 66264.253, 66265.254, 66265.255, amended June 30, 1997; 66264.254, amended July 19, 1995, 66265.259, 66265.260, adopted July 19, 1995.
40 CFR 264.301–264.304, 264.310, 265.301–265.304, 265.310; Liners, checklist 100; TC, checklist 108.		(108) 22 CCR 66265.301, amended Aug. 15, 1997; (100) 22 CCR 66264.301, 66265.301, amended Oct. 21, 1997; 66264.302, 66265.302, amended Jun. 30, 1997, 66264.303, 66264.310, amended July 19, 1995; 66264.304, 66265.303–66265.304, adopted July 19, 1995; 66265.310, amended Aug. 15, 1997.
40 CFR 264.314, 264.316, 265.314, 265.316; TC, checklists 118, 126, 145.	(145) 60 FR 35703, July 11, 1995	(126) 22 CCR 66264.314, adopted July 1, 1991; (118) 22 CCR 66264.316, 66265.316, amended Nov. 12, 1998; (118, 145) 22 CCR 66264.314, 66265.314, amended Apr. 16, 1999; (126) 22 CCR 66265.314, amended Apr. 16, 1999

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40 CFR 264.340, 265.340; BIF, checklist 85	.....	(85) 22 CCR 66264.340, 66265.340, amended July 1, 1996
40 CFR 264.552, 264.553; CAMU, checklist 121.	.....	(121) 22 CCR 66264.552, 66264.553, amended 1996
40 CFR 264.570–264.575, 265.440–265.445; Wood, checklists 82, 92, 120.	.....	(82, 92, 120) 22 CCR 66264.570–66264.575, 66265.440–66265.445, adopted 1994
40 CFR 264.601; AirES, checklist 154	.....	(154) 22 CCR 66264.601, adopted June 11, 1999
40 CFR 264.1030–264.1036, 40 CFR 265.1030–265.1035; AirES, checklists 79, 87, 154, 163; TC, checklist 158.	.....	(79, 87) 22 CCR 66260.10, amended 1994; 66264.1030, 66264.1032–66264.1036, 66265.1030, 66265.1032–66265.1035, adopted 1993; (158) 22 CCR 66264.1034, 66265.1034, amended Nov. 12, 1998; (154, 163) 22 CCR 66260.10, amended Sept. 3, 1999; 66264.1030, 66264.1033, 66264.1034, 66264.1035, 66265.1030, 66265.1033, 66265.1034, 66265.1035, amended June 11, 1999
40 CFR 264.1050–264.1065, 265.1050–265.1064; AirES, checklists 79, 87, 154, 163; TC, checklist 158.	.....	(79, 87) 22 CCR 66260.10, amended 1994; 66264.1050, 66264.1052–66264.1065, 66265.1050, 66265.1052–66265.1064, amended 1993; (158) 22 CCR 66264.1063, 66265.1063, amended 1993; (154, 163) 22 CCR 66260.10, amended Sept. 3, 1999; 66264.1050, 66264.1055, 66264.1058, 66264.1060, 66264.1062, 66264.1064, 66265.1050, 66265.1055, 66265.1058. 66265.1060, 66265.1062, 66265.1064, amended June 11, 1999
40 CFR 264.1080–264.1090, 264.1091, 265.1080–265.1090, 265.1091; AirES, checklists 154, 163.	.....	(154, 163) 22 CCR 66260.10, amended Sept 3, 1999; 66264.1080, 66264.1082–66264.1090, 66265.1080, 66265.1082–66265.1090, adopted June 11, 1999.
40 CFR 264.1100–264.1102, 265.1100–265.1102; LDR, checklist 109.	.....	(109) 22 CCR 66264.1100–66264.1102, 66265.1100–66265.1102, amended Aug. 15, 1997.
40 CFR 264, Appendices I, IX; BIF, checklist 131; TC, checklist 158.	(31) 59 FR FR 13891, Mar. 14, 1994	(131) 22 CCR 66264.801, Appendix I, amended June 12, 1997; (158) 22 CCR, division 4.5, Chapter 14, Appendix IX, amended Nov. 12, 1998.
40 CFR 265.91; TC, checklist 99	.....	(99) 22 CCR 66265.97–66265.99, adopted 1991.
40 CFR 265.370; BIF, checklist 94	.....	(94) 22 CCR 66265.370, amended July 1, 1996.
40 CFR 265, Appendices I, VI; BIF, checklist 131; AirES, checklists 154, 163.	.....	(131) 22 CCR 66265.714, Appendix I, amended June 12, 1997; (154, 163) 22 CCR, Division 4.5, Chapter 15, Appendix I, adopted June 11, 1999.
40 CFR 266.20; Removal of the Conditional Exemption for Certain Slag Residues, Checklist 136.	(136) 59 FR 43496, Aug. 24, 19994 (136) HSC Division 20, 25143.2, amended 1991..	(136) HSC Division 20, 25143.2, amended 1991.
40 CFR 266.23; LDR, checklist 137	.....	(137) HSC Division 20, 25143.2 amended 1996. California did not adopt the exemption.
40 CFR 266.30–266.35, 266.40 (remove and reserve); BIF, checklists 85, 94.	.....	(85, 94) California did not adopt this regulation and, thus, did not need to remove it.
40 CFR 266.100; TC, checklists 105, 137; Recovered Oil Exclusion, checklist 135; BIF, checklist 105.	.....	(105) 22 CCR 66261.24, amended 1994; (135) HSC Division 20, 25143.2, amended 1996; HSC Division 20, 25144, amended 1995; 22 CCR 66266.100, adopted July 31, 1996; (137) 22 CCR 66266.100, amended June 12, 1997.
40 CFR 266.100–266.112; BIF, checklists 85, 94, 96, 98, 111, 114, 125, 127.	(98) 56 FR 43874, Sept. 5, 1991; (114) 57 FR 44999, Sept. 30, 1992; (127) 58 FR 59598, Nov. 9, 1993.	(85, 94, 96, 98, 111, 114, 125, 127) 22 CCR 66266.100–66266.112, amended June 12, 1997.
40 CFR 266.103, 266.104; Removal of Legally Obsolete Rules, checklist 144.	.....	(144) California did not adopt these rules and does not need to repeal them.
40 CFR 266.104, 266.106, 266.107; TC, checklist 158.	.....	(158) 22 CCR 66266.104, 66266.106, 66266.107, amended Nov. 12, 1998.

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40 CFR 266, Appendices I–XIII; BIF, checklists 85, 94, 96, 111, 114, 125, 127; LDR, checklist 137; TC, checklist 158.	.....	(137) Appendix XIII, adopted July 31, 1996; (85, 94, 96, 111, 114, 125, 127) Appendices I–XII, amended June 12, 1997; (158) 22 CCR, Division 4.5, Chapter 16, Appendix IX, amended Nov. 12, 1998.
40 CFR 268.1; LDR, checklist 124, 137	.....	(124, 137) 22 CCR 66268.1, amended Aug. 15, 1997; (137) California did not adopt one of the exemptions.
40 CFR 268.2; LDR, checklists 83, 109, 124, 137; CAMU, checklist 121.	.....	(121) 22 CCR 66260.10, amended 1996; (83, 109, 124, 137) 22 CCR 66260.10, amended Aug. 15, 1997.
40 CFR 268.3; LDR, checklist 102	.....	(102) California did not adopt this exemption.
40 CFR 268.5; LDR, checklist 109	.....	(109) 22 CCR 66268.5, amended Aug. 1997 (California is not seeking to have these extensions delegated.)
40 CFR 268.7; TC, checklist 126; LDR, checklists 83, 109, 124, 137.	.....	(83, 109, 124, 126, 137) 22 CCR 66268.7, amended, Oct. 28, 1997.
40 CFR 268.9; LDR, checklists 83, 109, 124, 137.	.....	(83, 109, 124, 137) 22 CCR 66268.9, amended Aug. 15, 1997.
40 CFR 268.14; LDR, checklist 109	.....	(109) California did not adopt these exemptions.
40 CFR 268.33; LDR, checklist 83	.....	(83) 22 CCR 66268.33, amended Aug. 15, 1997.
40 CFR 268.35; LDR, checklists 103, 106, 116, 123.	(103) 57 FR 20766, May 15, 1992; (106) 57 FR 28628, June 26, 1992; (116) 57 FR 47772, Oct. 20, 1992; (123) 58 FR 28506, May 14, 1993.	(103, 106, 116, 123) 22 CCR 66268.33, 66268.35, amended Aug. 15, 1997.
40 CFR 268.36; LDR, checklist 109	.....	(109) 22 CCR 66268.36, amended Aug. 15, 1997.
40 CFR 268.37; LDR, checklist 124	.....	(124) HSC Division 20, 25179, amended 1997; 22 CCR 66268.37, amended Aug. 15. 1997.
40 CFR 268.38; LDR, checklist 137	.....	(137) 22 CCR 66268.38, amended Aug. 15, 1997.
40 CFR 268.40–268.43, 268.45, 268.46; LDR, checklists 83, 95, 102, 109, 124, 137; TC, checklist 126, 134; Removal of the Conditional Exemption for Certain Slag Residues, checklist 136.	.....	(136) HSC Division 20, 25143.2, amended 1991; (134) 22 CCR 66268.42, amended Oct. 16, 1995; (83) 22 CCR 66268.42(c), amended January 31, 1996; (83, 102, 124) 22 CCR 66268.40, amended Aug. 15, 1997; 66268.42, amended Oct. 15, 1997; (95, 137) 22 CCR 66268.40, 66268.41, 66268.42, amended Aug. 15, 1997; (109) 22 CCR 66268.40, 66268.41, 66268.45, amended Aug. 15, 1997; 66268.42, 66268.43, 66268.46, amended Jan. 31, 1996; (137) 22 CCR 66268.43, amended Aug. 15, 1997; 22 CCR 66268.45, 66268.46, amended Jan. 31, 1996; (126) 22 CCR 66268.40, amended Nov. 12, 1998; 22 CCR 66268.41, amended Aug. 15, 1997.
40 CFR 268.48; LDR, checklist 137	.....	(137) 22 CCR 66268.48, amended Jan. 31, 1996.
40 CFR 268.50; LDR, checklist 109	.....	(109) 22 CCR 66268.50, amended Apr. 3, 1996.
40 CFR 268, Appendices I, II, IV, V, VII, VIII, IX LDR, checklists 83, 109, 137; TC, checklist 126.	.....	(83, 109, 137) 22 CCR Division 4.5, Chapter 18, Appendix II, IV, V, VII, VIII, IX, adopted Jan. 31, 1996; (126) 22 CCR Division 4.5, Chapter 18, Appendix I, IX, amended Oct. 28, 1997.
40 CFR 270.2; CAMU, checklist 121; Removal of Legally Obsolete Rules, checklist 144; Public, checklist 148.	.....	(121) 22 CCR 66260.10, amended 1996; (144) California did not adopt these rules and does not need to repeal them. (148) 22 CCR 66260.10, amended June 18, 1997.
40 CFR 270.4; Liners, checklist 100 AirES, checklist 154.	.....	(100) 22 CCR 270.4, adopted July 19, 1995; (154) California did not adopt this regulation.
40 CFR 270.6; TC, checklist 126	.....	(126) 22 CCR 66260.11, amended June 11, 1999.
40 CFR 270.10; Removal of Legally Obsolete Rules, checklist 144.	.....	(144) California did not adopt these rules and does not need to repeal them.
40 CFR 270.13; LDR, checklist 109	.....	(109) 22 CCR 66270.13, amended Jan. 31, 1996.

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40 CFR 270.14; AirES, checklist 79; LDR, checklist 109; Public, checklist 148.	.....	(79) 22 CCR 66270.14, amended 1993; (148) 22 CCR 66270.14, amended Dec. 19, 1996; (109) 22 CCR 66270.14, amended Aug. 15, 1997.
40 CFR 270.14–270.17, AirES, checklists 87, 154, 163; Liners, checklist 100.	.....	(87) 22 CCR 66270.14, amended 1993; (100) 22 CCR 66270.17, amended July 19, 1995; (154, 163) 22 CCR 66270.14–66270.17, adopted June 11, 1999.
40 CFR 270.18; Liners, checklist 100	.....	(100) 22 CCR 66270.18, amended June 30, 1997.
40 CFR 270.19; TC, checklist 126	.....	(126) 22 CCR 66270.19, amended Nov. 12, 1998.
40 CFR 270.21; Liners, checklist 100	.....	(100) 22 CCR 66270.21, amended June 30, 1997.
40 CFR 270.22; BIF, checklists 85, 94	.....	(85, 94) 22 CCR 66270.22, adopted July 1, 1996.
40 CFR 270.24–270.25; AirES, checklists 79, 87.	.....	(79, 87) 22 CCR 66270.24–66270.25, amended Dec. 28, 1993.
40 CFR 270.26; Wood, checklists 82, 92	.....	(82, 92) 22 CCR 66270.26, adopted 1994.
40 CFR 270.27; AirES, checklists 87, 154, 163	.....	(87, 154, 163) 22 CCR 66270.27, adopted June 11, 1999.
40 CFR 270.30; Public, checklist 148	.....	(148) 22 CCR 66270.30, amended Dec. 19, 1996.
40 CFR 270.42, 270.43; Appendix I, Closure, checklist 64; BIF, checklists 85, 94; LDR, checklists 83, 109, 124; Liners, checklist 100, CAMU, checklist 121.	.....	(85, 94) 22 CCR 66270.42, amended July 31, 1996; (64, 83, 85, 94, 109, 121, 124) 22 CCR Division 4.5, Chapter 20, Appendix I, amended July 31, 1996; (100) 22 CCR Division 4.5, Chapter 20, Appendix I, amended June 30, 1997.
40 CFR 270.61, 270.62, 270.66; BIF, checklists 85, 94; TC, checklist 126; Public, checklist 148.	.....	(85, 94) 22 CCR 66270.66, amended June 12, 1997; (148) 22 CCR 66270.61, adopted May 24, 1991; 22 CCR 66260.10, 66270.62, 66270.66 amended June 18, 1997; (126) 22 CCR 66270.62, 66270.66, amended Nov. 12, 1998.
40 CFR 270.72–270.73; BIF, checklists 85, 94; LDR, checklist 109.	.....	(85, 94) 22 CCR 66270.72–66270.73, amended July 31, 1996; (109) 22 CCR 66270.72, amended July 31, 1996.

BILLING CODE 6560–50–M

H. Where Are the Revised State Rules Different From the Federal Rules?

State requirements that go beyond the scope of the Federal program are not part of the authorized program and EPA can not enforce them. Although you must comply with these requirements in accordance with California law, they are not RCRA requirements. We consider that the following State requirements, which pertain to the revisions involved in this tentative decision, go beyond the scope of the Federal program. The following analysis differs in some ways from the areas which California identified as being broader in scope than the Federal program in its application.

1. The definition of ''remediation waste'' at 22 C.C.R. § 66260.10 is broader in scope than the Federal definition at 40 CFR 260.10 only to the extent California's definition includes hazardous substances which are neither ''hazardous wastes'' nor ''solid wastes.''

2. 22 C.C.R. § 66264.552(e)(4)(A)(2) is broader in scope than 40 CFR 264.552(e)(4)(i)(B) only to the extent the California provision controls the escape of ''hazardous substances'' which are not ''hazardous waste,'' ''hazardous constituents,'' ''leachate,'' ''contaminated runoff'' or ''hazardous waste decomposition products.''

3. California's program is broader in scope than the Federal program to the extent it regulates spent wood preserving solutions that have been used and are reclaimed and reused for their original intended purpose and wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood. These materials are excluded from the Federal definition of solid waste by virtue of 40 CFR 261.4(a)(9)(i) and (ii), respectively.

4. HSC § 25144(c) is broader in scope than 40 CFR 261.4(a)(12) since the California provision exempts oil recovery process units and associated storage units from regulation, rather than exempting recovered oil from the definition of solid waste, which is what the Federal provision does. Thus, the State program is broader in scope than the Federal program to the extent California regulates recovered oil not contained in such recovery process units or associated storage units.

5. HSC § 25143.2(c)(1) was broader in scope than was former section 40 CFR 261.6(a)(3)(vi) (renumbered as 261.6(a)(3)(v) in 1995 (60 FR 25492 [1]), which exempted from regulation petroleum coke produced from petroleum refinery hazardous waste containing oil produced by the same person who generated the waste unless the resulting coke product was characteristically hazardous. HSC § 25143.2(c)(1), which was part of the authorized program, was not amended to conform to the changes made to 40 CFR 261.6(a)(3)(vi) in 1994. At that time, the Federal exemption was expanded to include petroleum coke produced *by the same person* who generated the petroleum hazardous waste containing oil, rather than being limited to petroleum coke produced *at the same facility* at which such wastes were generated. The State's exemption retains the ''at the same facility''

[1] 40 CFR 261.6(a)(3)(v) was superceded by 40 CFR 261.4(a)(12) in 1998 (63 FR 42110).

language and, to this extent, is broader than the Federal requirement.[2]

6. California does not have the Federal exclusion found at 40 CFR 261.4(b)(13), which excludes from the definition of hazardous waste non-terne plated used oil filters that are not mixed with hazardous wastes if those filters are gravity hot drained in accordance with specified procedures. To the extent California regulates such oil filters, its program is broader in scope than the Federal program.

7. California has not adopted the Federal exclusion found at 40 CFR 261.4(a)(10). This provision excludes from the definition of solid waste K060, K070, K087, K141, K142, K143, K145, K147, K148, and those coke by-product residues that are hazardous only because they exhibit the toxicity characteristic when, subsequent to generation, these wastes are recycled by being returned to coke ovens, to the tar recovery process as a feedstock to produce coal tar or mixed with coal tar. The Federal exclusion is conditioned on there being no land disposal of the waste from the point of generation to the point of recycling. Thus, the absence of this exemption makes the California program broader than the Federal program in this respect.

8. California has not adopted the Federal provision at 40 CFR 266.100(b)(3), which exempts from regulation the burning of wastes produced by conditionally exempt small quantity generators (*see also* 40 CFR 261.5). Thus, California's program is broader in scope than the Federal program in this respect.

9. California has not adopted the Federal provision at 40 CFR 266.100(b)(4), which excludes from regulation coke ovens if the only hazardous waste burned is K087, decanter tank tar sludge from coking operations. The Federal provision was a necessary corollary to EPA's removal of the coke and coal tar exemption (formerly 40 CFR 261.6(a)(3)(vii)) due to the reclassification of coke and coal tar as products under 40 CFR 261.4(a)(10) in 1991. California had not adopted the exemption as part of the base program, nor did it adopt the 1991 exemption at 40 CFR 261.4(a)(10). Thus, the California program is broader in scope than the Federal program to the extent California regulates coke ovens that solely burn K087.

[2] The 1998 revision to 40 CFR 261.4(a)(12) changed the Federal requirement again to limit the exemption to materials which are inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery. Thus the State's exemption remains narrower than the Federal exemption in this respect.

10. The California provision at 22 C.C.R. § 66266.100(b)(3) excludes from regulation in boilers and industrial furnaces (''BIFs'') those materials which are exempted from regulation at 22 C.C.R. § 66261.4. This provision tracks the Federal provision at 40 CFR 266.100(b)(3), which excludes from regulation in BIFs those materials which are exempted from regulation at 40 CFR 261.4. The Federal provision at 40 CFR 261.4 includes more exemptions than the State provision at 22 CCR § 66266.4 and, therefore, California's BIF program is broader in scope than the Federal program in this respect.

11. 40 CFR 261.4(a)(11) excludes from the definition of solid waste, non-wastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units provided it is shipped in drums (if shipped) and is not land disposed before recovery. California has not adopted this exclusion and its program is thus broader in scope than the Federal program in this respect.

12. California's program is broader in scope than the Federal program with respect to the regulation of secondary materials that are recycled back into secondary production processes from which they were generated. 40 CFR 261.2(e)(1)(iii) exempts such materials, so long as the materials are managed such that there is no placement on the land. HSC 25143.2(b)(3), as restricted by HSC sections 25143.2(e) and 25143.9, which is the State's analogue to 40 CFR 261.2(e)(1)(iii), excludes only recyclable materials that are returned to a primary process.

I. Who Handles Permits After the Authorization Takes Effect?

California will issue permits for all the provisions for which it is authorized and will administer the permits it issues. All permits issued by EPA prior to California being authorized for these revisions will continue in force until the effective date of the State's issuance or denial of a State RCRA permit, or the permit otherwise expires or is revoked. California will administer any RCRA hazardous waste permits or portions of permits which EPA issued prior to the effective date of this authorization until such time as California has issued a corresponding State permit. EPA will not issue any more new permits or new portions of permits for provisions for which California is authorized after the effective date of this authorization. EPA will retain responsibility to issue permits needed for HSWA requirements for which California is not yet authorized.

J. How Would Authorizing California for These Revisions Affect Indian Country (18 U.S.C. 115) in California?

California is not authorized to carry out its hazardous waste program in Indian country within the State. A map of Indian Country in California can be found on the world wide web at http://www.epa.gov/region09/cross_pr/indian/maps. A list of Indian Tribes in California can be found on the web at http://www.doi.gov/bureau-indian-affairs; it is complete except for two newly listed tribes, Graton and Lower Lake Rancherias. Therefore, this proposed action would have no effect on the Indian country so described, including Graton and Lower Lake Rancherias. EPA will continue to implement and administer the RCRA program in Indian country within the State.

K. Administrative Requirements

The Office of Management and Budget has exempted RCRA authorizations from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993) and, therefore, a decision to authorize California for these revisions is not subject to review by OMB. This authorization will effectively suspend the applicability of certain Federal regulations in favor of California's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. Authorization will not impose any new burdens on small entities. Accordingly, I certify that authorization for these revisions will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because implementing this proposal would authorize pre-existing requirements under State law and would not impose any additional enforceable duty beyond that required by State law, it will not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this proposed rule does not have tribal implications within the meaning of Executive Order 13175 (65 FR 67249, November 6, 2000). It does not have substantial direct effects on Tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibility between the Federal government and Indian tribes, as specified in Executive Order 13175. Authorization will not have substantial direct effects on the states, on the relationship between the national

government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. A decision to authorize California for these revisions also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. The proposed rule does not include environmental justice related issues that require consideration under Executive Order 12898 (59 FR 7629, February 16, 1994).

Under RCRA 3006(b), EPA grants a state's application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of a decision to authorize California for these revisions in accordance with the Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings issued under the Executive Order. A decision to authorize California's revisions will not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and record keeping requirements.

Authority: This proposed action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: June 12, 2001.

Laura Yoshii,

Acting Regional Administrator, Region 9.

[FR Doc. 01–15481 Filed 6–19–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH03

Endangered and Threatened Wildlife and Plants; Notice of Availability of Draft Economic Analysis, Reopening of Comment Period, and Notice of Public Hearing for the Proposed Critical Habitat Determination for the Quino Checkerspot Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of availability of draft economic analysis, reopening of public comment period, and notice of public hearing.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announces the availability of the draft economic analysis for the proposed determination of critical habitat for the Quino checkerspot butterfly (*Euphydryas editha quino*) and the reopening of the public comment period for the proposed determination to allow all interested parties to submit written comments on the proposal and on the draft economic analysis. Comments previously submitted need not be resubmitted as they have been incorporated into the public record and will be fully considered in the final rule. Additionally, we are announcing that a public hearing will be held on the proposed critical habitat determination.

DATES: The original public comment period on the critical habitat proposed determination closed on April 9, 2001. The public comment period is reopened, and we will accept comments until July 30, 2001. Comments must be received by the 5:00 p.m. on the closing date. Any comments that are received after the closing date may not be considered in the final decision on this action. The public hearing will be held on July 17, 2001, from 1:00 p.m. to 3:00 p.m. and from 6:00 p.m. to 8:00 p.m. in Escondido, California.

ADDRESSES: The public hearing will be held at the Castle Creek Inn Resort, 29850 Circle R Way, Escondido, California. Copies of the draft economic analysis and proposed critical habitat determination are available on the Internet at http://carlsbad.fws.gov or by writing to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California, 92008. Written comments should be sent to the Field Supervisor. You may also send comments by electronic mail (e-mail) to fws1quino@fws.gov. Please submit comments in ASCII file format and avoid the use of special characters and encryption. Please include ''Attn: Quino checkerspot butterfly'' and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Carlsbad Fish and Wildlife Office at phone number 760–431–9440. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Carlsbad Fish and Wildlife Office, at the above address.

FOR FURTHER INFORMATION CONTACT: Douglas Krofta, Branch Chief, Listing, Carlsbad Fish and Wildlife Office, at the above address (telephone 760–431–9440; facsimile 760–431–9624).

SUPPLEMENTARY INFORMATION:

Background

The Quino checkerspot butterfly is a member of the family Nymphalidae (brush-footed butterflies) that occurs in open habitat patches primarily in coastal sage scrub and native plant communities ranging from southwestern Riverside County, California to north-central Baja California, Mexico. The primary host plant for Quino checkerspot butterfly larvae is *Plantago* spp. (plantain), while nectar sources for adult butterflies primarily include plants of the figwort plant family, or closely related plants.

The adult Quino checkerspot butterfly has a wingspan of approximately 4 centimeters (1.5 inches). The top sides of the wings have a red, black, and cream colored checkered pattern and the bottom sides are dominated by a red and cream marbled pattern. The abdomen of Quino checkerspot butterflies has red stripes across the top. Quino checkerspot butterfly larvae are black with a row of nine orange fleshy/hairy extensions on their back. Pupae are mottled black on a pale blue-gray background and extremely well camouflaged.

Historically, common in southern California and north-central Baja

California, Mexico, the species had declined to the point of needing protection under the Endangered Species Act of 1973, as amended (Act). On January 16, 1997, the Quino checkerspot butterfly was listed as endangered throughout its range (62 FR 2313). The Quino checkerspot butterfly's continued survival is threatened primarily by habitat loss and degradation, and encroachment by non-native species. On February 7, 2001, the Fish and Wildlife Service published a rule proposing critical habitat for the Quino checkerspot butterfly in the **Federal Register** (66 FR 9476). We proposed designation of approximately 121,814 hectares (301,010 acres) as critical habitat for the Quino checkerspot butterfly pursuant to the Act. Proposed critical habitat is in western Riverside and southern San Diego Counties, California, as described in the proposed rule.

Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for the Quino checkerspot butterfly and comments received during previous comment period, we have prepared a draft economic analysis of the proposed critical habitat designation, which is available at the above Internet and mailing address.

Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 *et seq.*), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. In response to a request from the Otay Land Company, the Service will hold a public hearing on the date and at the address described in the **DATES** and **ADDRESSES** sections above.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to the Service at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed to the Service. Legal notices announcing the date, time, and location of the hearing will be published in newspapers concurrently with the **Federal Register** notice.

Comments from the public regarding the accuracy of this proposed rule are sought, especially regarding:

(1) The location of any additional populations of Quino checkerspot butterflys and the reasons why any habitat should or should not be determined to be critical habitat;

(2) Additional information regarding the validity of the primary constituent elements described in the proposed rule; and

(3) Additional information regarding areas that may be essential as travel corridors for connecting individual Quino checkerspot butterfly populations.

Reopening of the comment period will enable the Service to respond to the request for a public hearing on the proposed action. The comment period on this proposal now closes on July 30, 2001. Written comments should be submitted to the Service office listed in the **ADDRESSES** section.

Public Hearing

A public hearing on the proposed determination of critical habitat for the Quino checkerspot butterfly is scheduled to be held on Tuesday, July 17, 2001, from 1:00 p.m. to 3:00 p.m. and from 6:00 p.m. to 8:00 p.m. at the Castle Creek Inn Resort, 29850 Circle R Way, Escondido, California. Please contact the Carlsbad Fish and Wildlife Office at the above address with any questions concerning this public hearing.

Public Comment Solicited

We have reopened the comment period at this time in order to accept the best and most current scientific and commercial data available regarding the proposed critical habitat determination for the Quino checkerspot butterfly and the draft economic analysis of proposed critical habitat determination. Previously submitted written comments on this critical habitat proposal need not be resubmitted. The current comment period on this proposal closes on July 30, 2001. Written comments should be submitted to the Carlsbad Fish and Wildlife Office in the **ADDRESSES** section.

Author

The primary author of this notice is Douglas Krofta (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: June 14, 2001.

Alexandra Pitts,

Acting Manager, California/Nevada Operations Office, Region 1.

[FR Doc. 01–15477 Filed 6–19–01; 8:45am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 66, No. 119
Wednesday, June 20, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Arkansas Electric Cooperative Corporation; Notice of Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact with respect to a request for financing assistance by Arkansas Electric Cooperative Corporation to finance the repowering of an existing electric generating station in Franklin County, Arkansas.

FOR FURTHER INFORMATION CONTACT: Bob Quigel, Environmental Protection Specialist, Engineering and Environmental Staff, RUS, Stop 1571, 1400 Independence Avenue, SW., Washington, DC 20250–1571, telephone (202) 720–0468, e-mail at bquigel@rus.usda.gov.

SUPPLEMENTARY INFORMATION: Arkansas Electric Cooperative Corporation proposes to remove the existing boiler and stack at its Fitzhugh Generating Station. (The station is located on the east side of the Arkansas River southeast of Ozark, Arkansas, at river mile 255.9.) The existing steam turbine, generator, and other steam cycle related equipment will remain. A new combustion turbine and electric generator will be added. The exhaust gas from the turbine will be connected to a heat recovery steam generator which will be connected to the existing steam turbine. There will be a 90-foot bypass stack between the combustion turbine and the heat recovery steam generator. This will allow for quick start-up of the plant and for operation of the new combustion turbine and generator in simple-cycle mode. The heat recovery steam generator will have a 110-foot stack. These two stacks will replace the existing 200-foot stack at the plant. The modification will also include the addition of a 25-foot tall, three-module cooling tower and step-up transformers. The repowered generation station will be fired with natural gas with fuel oil backup.

The repowering will increase the output of the plant from 59 megawatts to 170.6 megawatts (based on summer rating) and the plant's thermal efficiency will be increased. The repowered plant will have less air emissions than the existing plant.

Copies of the Finding of No Significant Impact are available from RUS at the address provided herein or from Mr. Curtis Warner of Arkansas Electric Cooperative Corporation, P.O. Box 194208, Little Rock, Arkansas. Mr. Warner's telephone number is (501) 570–2462.

Dated: June 8, 2001.

Blaine D. Stockton,

Assistant Administrator, Electric Program.

[FR Doc. 01–15531 Filed 6–19–01; 8:45 am]
BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–869, A–428–831, A–475–831, A–423–810, A–821–814, A–791–811, A–469–811, A–583–838]

Initiation of Antidumping Duty Investigations: Structural Steel Beams From the People's Republic of China, Germany, Italy, Luxembourg, Russia, South Africa, Spain, and Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: June 20, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer (Germany, Italy, Luxembourg) at (202) 482–0410; Davina Hashmi (Spain, South Africa, Taiwan) at (202) 482–5760; Rebecca Trainor (The People's Republic of China) at (202) 482–4007; or Dinah McDougall (Russia) at (202) 482–3773, Import Administration-Room 1870, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Initiation of Investigations

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department of Commerce's (''the Department's'') regulations are to the regulations codified at 19 CFR Part 351 (2001).

The Petition

On May 23, 2001, the Department received a petition filed in proper form by the Committee for Fair Beam Imports and its individual members, Northwestern Steel and Wire Company, Nucor Corporation, Nucor-Yamato Steel Company, and TXI-Chaparral Steel Company (''the petitioners'').

In accordance with section 732(b) of the Act, the petitioners allege that imports of structural steel beams from the People's Republic of China (the PRC), Germany, Italy, Luxembourg, Russia, South Africa, Spain, and Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that such imports are materially injuring, or threatening material injury to, an industry in the United States.

The Department finds that the petitioners filed the petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) and (D) of the Act and they have demonstrated sufficient industry support with respect to the antidumping duty investigations they are requesting the Department to initiate (*see* ''Determination of Industry Support for the Petitions,'' below).

Scope of Investigations

For purposes of these investigations, the products covered are doubly-symmetric shapes, whether hot-or cold-rolled, drawn, extruded, formed or finished, having at least one dimension of at least 80 mm (3.2 inches or more), whether of carbon or alloy (other than stainless) steel, and whether or not drilled, punched, notched, painted, coated, or clad. These products (''structural steel beams'') include, but

are not limited to, wide-flange beams (''W'' shapes), bearing piles (''HP'' shapes), standard beams (''S'' or ''I'' shapes), and M-shapes.

All products that meet the physical and metallurgical descriptions provided above are within the scope of these investigations unless otherwise excluded. The following products are outside and/or specifically excluded from the scope of these investigations:

• Structural steel beams greater than 400 pounds per linear foot or with a web or section height (also known as depth) over 40 inches.

The merchandise subject to these investigations is classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheadings 7216.32.0000, 7216.33.0030, 7216.33.0060, 7216.33.0090, 7216.50.0000, 7216.61.0000, 7216.69.0000, 7216.91.0000, 7216.99.0000, 7228.70.3040, and 7228.70.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

During our review of the petition, we discussed with the petitioners whether the proposed scope was an accurate reflection of the product for which the domestic industry is seeking relief. The petitioners indicated that the scope in the petition accurately reflected the product for which they are seeking relief. Consistent with the preamble to its regulations (*see Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997)), the Department is setting aside a period for parties to raise issues regarding product coverage. The Department encourages all parties to submit such comments by 20 days after the publication of this notice. Comments should be addressed to Import Administration's Central Records Unit at Room 1870, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, N.W., Washington, D.C. 20230. This period of scope consultation is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determinations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of a domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the ''industry'' as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who account for production of the domestic like product. The International Trade Commission (''ITC''), which is responsible for determining whether the domestic industry has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC are required to apply the same statutory provision regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the domestic like product, such differences do not render the decision of either agency contrary to law.[1]

Section 771(10) of the Act defines domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation,'' *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition. The domestic like product referred to in the petition is the single domestic like product defined in the ''Scope of Investigation'' section, above. We consulted with the ITC, the U.S. Customs Service, and the petitioners and have, as a result of these discussions, adopted the definition of domestic like product definition set forth in the petition. We have not received comments from interested parties challenging the petitioners' definition of domestic like product.

The petitioners identified the total shipments of steel beams (including some merchandise that is not the domestic like product) from data gathered by the American Iron and Steel Institute (AISI). By comparing their own production with the total shipment of steel beams, the petitioners established that they accounted for well over 50 percent of production of the domestic like product in the United States. Furthermore, we find the petitioners' estimation of industry support to be conservative because the denominator in the calculation (the total shipment of steel beams) includes merchandise that is not the domestic like product, while the numerator (the petitioners' production) is comprised solely of production of the domestic like product.

The petitioners established industry support representing over 50 percent of the total production of the domestic like product. Therefore, the domestic producers or workers who support the petition account for at least 25 percent of the total production of the domestic like product and, therefore, the requirements of section 732(c)(4)(A)(i) of the Act are met. Furthermore, because the Department received no opposition to the petitions, the domestic producers or workers who support the petitions account for 100 percent of the production of the domestic like product produced by that portion of the industry expressing support for or opposition to the petitions. Therefore, the requirements of section 732(c)(4)(A)(ii) of the Act are met. Accordingly, the Department determines that the petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Export Price and Constructed Export Price

The following are descriptions of the allegations of sales at less than fair value upon which we have based our decisions to initiate these investigations. Should the need arise to use any of this information in our preliminary or final determinations for purposes of facts available under section 776 of the Act, we may re-examine the information and revise the margin calculations, if appropriate.

With respect to sales to the U.S. market, the petitioners used a constructed export price (CEP) analysis in the Germany, Italy, Luxembourg and Spain petitions based on sales of the merchandise in the United States by a U.S. affiliate of the foreign producer. The petitioners used an export price (EP) analysis in the PRC and Russia petitions based on sales of the merchandise directly to unaffiliated customers in the United States by one of the foreign producers. The petitioners

[1] *See Algoma Steel Corp., Ltd.* v. *United States*, 688 F. Supp. 639, 642–44 (CIT 1988); *High Information Content Flat Panel Displays and Display glass Therefor from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition,* 56 FR 32376, 32380–81 (July 16, 1991).

also used an export price (EP) analysis in the Germany, South Africa, and Taiwan petitions based on sales of the merchandise through unaffiliated distributors in the United States by one of the foreign producers. The petitioners based CEP and EP on affidavits supported by price quotes and offers. The petitioners calculated CEP in the German petition by subtracting ocean freight, U.S. Customs duties, and a distributor margin representing the U.S. selling expenses and profit. The petitioners calculated CEP in the Italy petition by subtracting ocean freight, U.S. port charges, U.S. Customs duties, and a distributor margin representing the U.S. selling expenses and profit. The petitioners calculated CEP in the Luxembourg petition by subtracting ocean freight, U.S. Customs duties, and a distributor margin representing the U.S. selling expenses and profit. The petitioners calculated CEP in the Spain petition by subtracting domestic inland freight, foreign port charges, ocean freight, U.S. Customs duties, and the distributor margin. The petitioners calculated EP in the Germany petition by subtracting ocean freight, U.S. port charges, U.S. Customs duties, and the distributor margin to account for the fact that the prices are quoted from an unaffiliated U.S. distributor. The petitioners calculated EP in the PRC petition by subtracting domestic inland freight, export charges, domestic wharfage, ocean freight, insurance, U.S. port charges, and U.S. duties. The petitioners calculated EP in the Russia petition by subtracting domestic inland freight, foreign port charges, ocean freight, insurance, U.S. port charges, and U.S. duties. The petitioners calculated EP in the South Africa petition by subtracting domestic inland freight, ocean freight, U.S. port charges, and the distributor margin. The petitioners calculated EP in the Taiwan petition by subtracting domestic inland freight, foreign port charges, ocean freight, U.S. port charges, U.S. Customs duties, and the distributor margin. The petitioners also calculated imputed credit expenses applicable to EP sales in the Taiwan petition and added the expense to NV. The data for these adjustments was based on U.S. Customs statistics, the Port of Houston Authority Tariff No. 8, affidavits, and the 2001 import duty rates. The petitioners did not deduct domestic inland freight, export port charges, or imputed credit expenses from CEP or EP in the Germany, Italy, or Luxembourg petitions because they were not able to obtain such data. No other adjustments to EP or CEP were necessary due to the terms of the sales. We restated some of the constructed export prices and export prices in the Germany, Italy, Luxembourg, Spain, and Taiwan petitions. See Memoranda to File titled Recalculation of Antidumping Margins for Germany, Italy, Luxembourg, Spain, and Taiwan dated June 11, 2001, for a complete discussion of the changes we made.

Home-Market and Third-Country Prices

The petitioners used home-market prices based on affidavits supported by price quotes and offers except in the PRC, Luxembourg, and Russia petitions. The petitioners used third-country prices based on affidavits supported by price quotes and offers in the Luxembourg petition because they were unable to obtain price information for sales in the home market. The petitioners selected Germany as the third-country market. The petitioners presented evidence that Germany is the largest third-country market for steel beams produced in Luxembourg. After examining this evidence, we found the petitioners' selection of Germany as the comparison market to be reasonable. Because the PRC and Russia are considered non-market economy countries, the petitioners did not obtain home-market or third-country prices. See the ''Normal Value'' section below.

The petitioners adjusted the home-market and third-country prices for CEP comparisons in the Germany, Italy, and Luxembourg petitions by deducting a distributor margin to represent a reseller's selling expenses. The petitioners adjusted the home-market prices for EP comparisons in the South Africa petition by deducting credit expense, discounts, and a distributor margin to represent a reseller's selling expenses. The petitioners adjusted the home-market prices for EP comparisons in the Taiwan petition by deducting inland freight and a distributor margin to represent a reseller's selling expenses.

The petitioners did not deduct inland freight in the Germany, Luxembourg, Spain, or Taiwan petitions because of the terms of sale. The petitioners did not deduct inland freight in the Italy or South Africa petitions because they were unable to calculate such expenses. With regard to the South Africa petition, the petitioners were able to make an adjustment so that the home-market prices would not be overstated. Because of the proprietary nature of this adjustment, please see the proprietary version of the Initiation Checklist dated June 12, 2001, for a description. With regard to the Italy petition, as described in the *Normal Value* section below, we found that each of the unadjusted home-market prices in the Italy petition was below the cost of production. Thus, even if the petitioners had been able to calculate inland freight expenses incurred on the home-market sales, we would continue to find that the home-market prices were below the cost of production. As a result, we used constructed value as the basis for normal value (NV) for the Italy petition. Because the constructed values that the petitioners calculated do not include freight expenses, we find the petitioners' approach to be reasonable.

The petitioners did not deduct credit expense from home-market or third-country prices in the Italy, Luxembourg, Spain, or Taiwan petitions and for one of the companies in the Germany petition because of the terms of sale. The petitioners did not deduct credit expense from home-market prices for the other company in the Germany petition because they had no information regarding the foreign producers' credit terms. However, the petitioners also did not adjust normal value for the credit expense incurred on EP sales for this company. Because the petitioners did not have information on the credit terms for home-market sales, we find the petitioners' approach to be a reasonable methodology given the information available to them.

The data for the adjustments the petitioners made to home-market and third-country prices were based on affidavits. No other adjustments to home-market or third-country prices were necessary due to the terms of the sales.

Normal Value

The petitioners based NV for the South Africa petition on home-market prices, which it calculated as described above. As discussed in the ''Initiation of Cost Investigations'' section below, the petitioners established that the comparison-market prices in the Germany, Italy, Luxembourg, Spain, and Taiwan petitions were below the cost of production. Because the comparison-market prices were below the cost of production, pursuant to sections 773(a)(4) and 773(e) of the Act, the petitioners also based NV for the Germany, Italy, Luxembourg, Spain, and Taiwan petitions on constructed value (CV). CV consists of the cost of manufacture (COM), selling, general and administrative expenses (SG&A), and profit (there is no packing cost for the subject merchandise). The petitioners based their calculations for COM, SG&A, and profit on costs obtained by affidavits from the petitioning companies' officials and foreign industry data compiled by the

petitioners. We restated some of the costs in the Germany, Italy, Luxembourg, and Spain petitions. *See* Memoranda to File titled Recalculation of Antidumping Margins for Germany, Italy, Luxembourg, and Spain dated June 11, 2001, for a complete discussion of the changes we made.

Because Russia is considered a non-market-economy (NME) country under section 771(18) of the Act, the petitioners based NV on the factors of production valued in a surrogate country, in accordance with section 773(c)(3) of the Act. For purposes of the petition, the petitioners selected Thailand as the surrogate market economy. The petitioners calculated NV using publicly available Thai prices to value all unit costs associated with the factors of production. The petitioners established estimates for per-unit consumption based on the production experience of a U.S. producer of structural steel beams adjusted for known differences in the Russian production process according to information reasonably available to the petitioners.

The petitioners valued steel scrap using Thai prices obtained from publicly available information. The petitioners valued labor using the Department's regression-based wage rate for Russia, in accordance with 19 CFR 351.408(c)(3). The petitioners obtained the value for electricity from a report issued by Thailand's National Energy Policy Office. The petitioners valued natural gas using data based on a quote published in the Bangkok Post. To determine factory overhead, SG&A, and profit, the petitioners relied on data from a Thai producer of steel products.

Because the PRC is considered a NME country under section 771(18) of the Act, the petitioners based NV on the factors of production valued in a surrogate country, in accordance with section 773(c)(3) of the Act. For purposes of the petition, the petitioners selected India as the most appropriate surrogate market economy. The petitioners calculated NV using publicly available Indian prices to value all unit costs associated with the factors of production. The petitioners established estimates for per-unit consumption based on the production experience of a U.S. producer of structural steel beams adjusted for known differences in the PRC production process according to information reasonably available to the petitioners.

The petitioners valued steel scrap using Indian prices obtained from publicly available information published in *Metal Bulletin*, and adjusted using the wholesale price index (WPI) published in the *International Financial Statistics.* The petitioners valued labor using the Department's regression-based wage rate for the PRC, in accordance with 19 CFR 351.408(c)(3). The petitioners obtained the value for electricity from a publication of the International Energy Agency containing the prices applicable to India, and adjusted using the WPI published in the *International Financial Statistics.* The petitioners valued natural gas using data based on the quarterly report of a major Indian supplier, and adjusted using the WPI published in the *International Financial Statistics.* To determine factory overhead, SG&A, and profit, the petitioners relied on data from an Indian producer of steel products.

Based on comparisons of EP to NV, the petitioners estimate margins of 73.54 to 81.06 percent for South Africa. Based on our revisions to the petitioners' methodology, we calculated the estimated margins to be 61.09 to 94.73 percent for Germany, 83.80 percent for Italy, 38.45 to 44.43 percent for Luxembourg, 81.67 to 94.93 percent for Spain, 98.77 for the PRC, 133.12 percent for Russia, and 45.72 to 73.64 percent for Taiwan. Should the need arise to use any of this information in our preliminary or final determinations, we will re-examine the information and revise the margin calculations, if appropriate.

Initiation of Cost Investigations

Pursuant to section 773(b) of the Act, the petitioners alleged that sales in the home market of structural steel beams produced in Germany, Italy, Spain, and Taiwan were made at prices below the cost of production (COP) and, accordingly, requested that the Department conduct country-wide sales-below-COP investigations in these countries. Furthermore, the petitioners alleged that sales in the third country (Germany) of structural steel beams produced in Luxembourg were made at prices below the COP and, accordingly, requested that the Department conduct a country-wide sales-below-COP investigation in this country. The Statement of Administrative Action (''SAA''), submitted to Congress in connection with the Uruguay Round Agreements Act, states that an allegation of sales below COP need not be specific to individual exporters or producers. SAA, H.R. Doc. No. 316, 103d Cong., 2d Sess., at 833 (1994). The SAA states at 833 that ''Commerce will consider allegations of below-cost sales in the aggregate for a foreign country, just as Commerce currently considers allegations of sales at less than fair value on a country-wide basis for purposes of initiating an antidumping investigation.''

The statute at section 773(b) of the Act states that the Department must have ''reasonable grounds to believe or suspect'' that below-cost sales have occurred before initiating such an investigation. ''Reasonable grounds'' exist when an interested party provides specific factual information on costs and prices, observed or constructed, indicating that sales in the foreign market in question are at below-cost prices. See section 773(b)(2)(A) of the Act. Based upon the comparison of the adjusted prices from the petition of the foreign like product in Germany, Italy, Luxembourg, Spain, and Taiwan to the COP calculated in the petition (and adjusted in the Germany, Italy, Luxembourg, and Spain cases as described in Memoranda to File titled Recalculation of Antidumping Margins for Germany, Italy, Luxembourg, and Spain dated June 11, 2001), we find ''reasonable grounds to believe or suspect'' that sales of these foreign like products were made below their respective COPs within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating the requested country-wide cost investigations for Germany, Italy, Spain, and Taiwan. With regard to Luxembourg, the Department is initiating a country-wide cost investigation with respect to sales in Germany. In the event that we determine that Germany is the appropriate market upon which to base normal value, we will conduct a COP investigation.

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of structural steel beams from the PRC, Germany, Italy, Luxembourg, Russia, South Africa, Spain, and Taiwan are being, or are likely to be, sold at less than fair value.

Allegations and Evidence of Material Injury and Causation

The petition alleges that the U.S. industry producing the domestic like product is being materially injured, and is threatened with material injury, by reason of the individual and cumulated imports of the subject merchandise sold at less than NV. The allegations of injury and causation are supported by relevant evidence including business proprietary data from the petitioning firms and U.S. Customs import data. The Department assessed the allegations and supporting evidence regarding material injury and causation and

determined that these allegations are sufficiently supported by accurate and adequate evidence and meet the statutory requirements for initiation.

Initiation of Antidumping Investigations

We have examined the petition on structural steel beams and have found that it meets the requirements of section 732 of the Act. Therefore, we are initiating antidumping duty investigations to determine whether imports of structural steel beams from the PRC, Germany, Italy, Luxembourg, Russia, South Africa, Spain, and Taiwan are being, or are likely to be, sold in the United States at less than fair value. Unless the deadline is extended pursuant to section 733(b)(1)(A) of the Act, we will make our preliminary determinations for the antidumping duty investigations no later than October 30, 2001, which is 140 days after the date of initiation.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of each petition has been provided to the representatives of the governments of the PRC, Germany, Italy, Luxembourg, Russia, South Africa, Spain, and Taiwan. We will attempt to provide a copy of the public version of each petition to each exporter named in the petition, as provided for under 19 CFR 351.203(c)(2).

International Trade Commission Notification

We have notified the ITC of our initiations, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will determine by July 7, 2001, whether there is a reasonable indication that imports of structural steel beams from the PRC, Germany, Italy, Luxembourg, Russia, South Africa, Spain, and Taiwan are causing material injury, or threatening to cause material injury, to a U.S. industry. Negative ITC determinations will result in the particular investigations being terminated; otherwise, the investigations will proceed according to statutory and regulatory time limits.

Dated: June 12, 2001.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–15545 Filed 6–19–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 010612151–1151–01]

RIN 0625–XX25

International Buyer Program; Support for Domestic Trade Shows

AGENCY: International Trade Administration, Commerce.

ACTION: Notice and call for applications for the FY 2003 International Buyer Program (October 1, 2002 through September 30, 2003).

SUMMARY: This notice sets forth objectives, procedures and application review criteria associated with the U.S. Department of Commerce's (DOC) International Buyer Program (IBP), to support domestic trade shows. Selection is for the International Buyer Program for Fiscal Year 2003 (October 1, 2002 through September 30, 2003).

The International Buyer Program was established to bring international buyers together with U.S. firms by promoting leading U.S. trade shows in industries with high export potential. The International Buyer Program emphasizes cooperation between the DOC and trade show organizers to benefit U.S. firms exhibiting at selected events and provides practical, hands-on assistance such as export counseling and market analysis to U.S. companies interested in exporting. The assistance provided to show organizers includes worldwide overseas promotion of selected shows to potential international buyers, end-users, representatives and distributors. The worldwide promotion is executed through the offices of the United States and Foreign Commercial Service (hereinafter referred to as the Commercial Service) in 74 countries representing America's major trading partners, and also in U.S. Embassies in countries where the Commercial Service does not maintain offices. The Department expects to select approximately 28 shows for FY2003 from among applicants to the program. Shows selected for the International Buyer Program will provide a venue for U.S. companies interested in expanding their sales into international markets. Successful applicants will be required to enter into a Memorandum of Understanding (MOU) that sets forth the specific actions to be performed by the show organizer and the DOC. The MOU constitutes an agreement between the DOC and the show organizer specifying which services are to be rendered by DOC as part of the IBP and, in turn, what responsibilities are agreed to be performed by the show organizer. Anyone who requests information regarding applying will be sent a copy of the MOU along with the application package. The services to be rendered by DOC will be carried out by the Commercial Service.

DATES: Applications must be received on or before August 20, 2001. Contributions are for shows selected and promoted during the period between October 1, 2002, and September 30, 2003.

ADDRESSES: Export Promotion Services/International Buyer Program, Commercial Service, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Avenue, NW., H2116, Washington, DC 20230. Telephone: (202) 482–0146 (For deadline purposes, facsimile or email applications will be accepted as interim applications, to be followed by signed original applications).

FOR FURTHER INFORMATION CONTACT: Jim Boney, Product Manager, International Buyer Program, Room 2116, Export Promotion Services, U.S. and Foreign Commercial Service, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, DC 20230. Telephone (202) 482–0146; Fax: (202) 482–0115; Email: Jim.Boney@mail.doc.gov.

SUPPLEMENTARY INFORMATION: The Commercial Service is accepting applications for the International Buyer Program (IBP) for events taking place between October 1, 2002, and September 30, 2003. A contribution of $6,000 for shows of five days or less is required. For shows more than five days in duration, or requiring more than one International Business Center, a contribution of $8,000 is required.

Under the IBP, the Commercial Service seeks to bring together international buyers with U.S. firms by selecting and promoting domestic trade shows in international markets in industries with high export potential. Selection of a trade show is one-time, i.e., a trade show organizer seeking selection for a recurring event must submit a new application for selection for each occurrence of the event. If the event occurs more than once in the 12-month period covering this announcement, the trade show organizer must submit a separate application for each event.

The Commercial Service will select approximately 28 events to support between October 1, 2002, through September 30, 2003. The Commercial Service will select those events that, in its judgment, most clearly meet the

Commercial Service's objective and selection criteria mentioned below.

The Department selects events which it determines to be a leading international trade show appropriate for participation by U.S. exporting firms and promotion in overseas markets by U.S. Embassies and Consulates. Selection does not constitute a guarantee by the U.S. Government of the show's success. Selection is not an endorsement of the show organizer except as to its international buyer activities. Non-selection should not be viewed as a finding that the event will not be successful in the promotion of U.S. exports.

Exclusions: Trade shows that are either first-time or horizontal (non-industry specific) events will not be considered. Annual trade shows will not be selected for this program more than three times in any four-year period (e.g., shows selected for fiscal years 2000, 2001 and 2002 are not eligible for inclusion in this program in fiscal year 2003, but can be considered in subsequent years).

General Selection Criteria

Those events will be selected that, in the judgment of the Department, most clearly meet the following criteria:

(a) Export Potential: The products and services to be promoted at the trade show are from U.S. industries that have high export potential, as determined by DOC sources, i.e., best prospects lists and U.S. export statistics (certain industries are rated as priorities by our domestic and international commercial officers in their Country Commercial Guides).

(b) *International Interest:* The trade show meets the needs of a significant number of overseas markets and corresponds to marketing opportunities as identified by the posts in their Country Commercial Guides (e.g. best prospect lists). Previous international attendance at the show may be used as an indicator.

(c) *Scope of the Show:* The trade show offers a broad spectrum of U.S.-made products and/or services for the subject industry. Trade shows with a majority of United States businesses, as defined in 15 U.S.C. 4724, will be given preference.

(d) *Stature of the show:* The trade show is clearly recognized by the industry it covers as a leading event for the promotion of that industry's products and services, both domestically and internationally, and as a showplace for the latest technology or services in that industry or sector.

(e) *Exhibitor Interest:* There is demonstrated interest on the part of U.S. exhibitors in receiving international business visitors during the trade show. A significant number of these exhibitors should be new-to-export or seeking to expand sales into additional international markets.

(f) *Overseas Marketing:* There has been demonstrated effort made to market prior shows overseas. In addition, the applicant should describe in detail the international marketing program to be conducted for the event, explaining how efforts should increase individual and group international attendance.

(g) *Logistics:* The trade show site, facilities, transportation services, and availability of accommodations are in the stature of an international-class trade show.

(h) *Cooperation:* The applicant demonstrates a willingness to cooperate with the Commercial Service to fulfill the program's goals and to adhere to target dates set out in the MOU and the event timetable, both of which are available from the program office (see ''For Further Information'' section above on when, where, and how to apply). Past experience in the IBP will be taken into account in evaluating current applications to the program.

Legal Authority: The Commercial Service has the legal authority to enter into the above-mentioned MOU with the show organizer under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2455(f)). The statutory authority for the Commercial Service to conduct the International Buyer Program is 15 U.S.C. 4724.

The Office of Management and Budget (OMB) has approved the information collection requirements of the application to this program under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 2501 et seq.) (OMB Control No. 0625–0151). Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

John Klingelhut,

Director, Office of Public/Private Initiatives, U.S. and Foreign Commercial Service, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 01–15475 Filed 6–19–01; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Inventions for Licensing; Government-Owned Inventions

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are available for licensing by the Department of the Navy.

The following patents are available for licensing:

U.S. Patent Number 6,038,995: COMBINED WEDGE-FLAP FOR IMPROVED SHIP POWERING.//U.S. Patent Number 6,041,728: SHAPE MEMORY ACTUATOR SYSTEM.//U.S. Patent Number 6,053,664: ELASTOMERIC COMPOSITE BUMPER SYSTEM AND METHOD FOR ABSORBING HIGH ENERGY IMPACT.//U.S. Patent Number 6,055,924: FOIL ASSISTED MARINE TOWING.//U.S. Patent Number 6,059,618: VENTILATED OUTBOARD MOTOR-MOUNTED PUMPJET ASSEMBLY.//U.S. Patent Number 6,069,101: BORON CARBIDE/SILICON CARBIDE CERAMICS.//U.S. Patent Number 6,075,753: SYSTEM FOR SIMULATION OF UNDERWATER EXPLOSION PRESSURE FIELDS.//U.S. Patent Number 6,076,480: FUEL STORING WATER BALLAST TANK INTERNALLY STRUCTURED FOR REDUCING RETENTION OF WATER AND OVERBOARD DISCHARGE OF FUEL.//U.S. Patent Number 6,080,982: EMBEDDED WEAR SENSORS.//U.S. Patent Number 6,082,436: METHOD OF CENTRIFUGALLY CASTING REINFORCED COMPOSITE ARTICLES.//U.S. Patent Number 6,097,668: COMPONENT DEPLOYMENT MEANS FOR ICE PENETRATING ACOUSTICS COMMUNICATION RELAY SYSTEM.//U.S. Patent Number 6,101,963: RUDDER TAB FOR SUPPRESSION OF TIP VORTEX CAVITATION.//U.S. Patent Number 6,105,716: VENTURI MUFFLER HAVING PLURAL NOZZLES.//U.S. Patent Number 6,116,328: FABRICATION OF TILE REINFORCED COMPOSITE ARMOR CASTING.//U.S. Patent Number 6,127,130: MULTIASSAY METHOD OF DETERMINING THE CONCENTRATIONS OF ANTIGENS AND INTERFERANTS.//U.S. Patent Number 6,138,724: SHIPBOARD PAINT DISPENSING SYSTEM.//U.S. Patent Number 6,139,648: PRESTRESS IMPOSING TREATMENT OF

MAGNETOSTRICTIVE MATERIAL.// U.S. Patent Number 6,150,974: INFRARED TRANSPARENT RADAR ANTENNA.//U.S. Patent Number Re. 36,979: SURFACE CONFORMING FLEXIBLE EDDY CURRENT PROBE FOR SCANNING VARYING SURFACE CONTOURS.//U.S. Patent Number 6,159,060: PROTECTIVE SHROUDING WITH DEBRIS DIVERTING INFLOW VANES FOR PUMP-JET PROPULSION UNIT.//U.S. Patent Number 6,164,411: SUPPRESSION OF ACOUSTIC CAVITY RESONANCE INDUCED BY FLUID FLOW.//U.S. Patent Number 6,170,422: ATTACHMENT OF EQUIPMENT TO COMPOSITE SANDWICH CORE STRUCTURES.//U.S. Patent Number 6,171,159: STEERING AND BACKING SYSTEMS FOR WATERJET CRAFT WITH UNDERWATER DISCHARGE.// U.S. Patent Number 6,172,510: SYSTEM FOR DETECTION OF FLAWS BY USE OF MICROWAVE RADIATION.//U.S. Patent Number 6,174,688: MULTIASSAY METHOD FOR DETERMINING THE CONCENTRATIONS OF ANTIGENS AND INTERFERANTS.//U.S. Patent Number 6,176,943: PROCESSING TREATMENT OF AMORPHOUS MAGNETOSTRICTIVE WIRES.//U.S. Patent Number 6,182,495: TEST MACHINE FOR SIMULATION OF SHOCK WAVE INDUCED MOTION.// U.S. Patent Number 6,189,475: PROPELLED CABLE FAIRING.//U.S. Patent Number 6,192,541: DYNAMIC RAMP INTERFACE SYSTEM.//U.S. Patent Number 6,196,107: EXPLOSIVE CONTAINMENT DEVICE.//U.S. Patent Number 6,207,065: INTEGRATED LIQUID DISCHARGE SYSTEM.//U.S. Patent Number 6,208,268: VEHICLE PRESENCE, SPEED AND LENGTH DETECTING SYSTEM AND ROADWAY INSTALLED DETECTOR THEREFOR.// U.S. Patent Number 6,213,021: ELECTROMAGNETIC SEA MINE DETONATION SYSTEM.//U.S. Patent Number 6,227,139: CONTROL TAB ASSISTED LIFT REDUCING SYSTEM FOR UNDERWATER HYDROFOIL SURFACE.//U.S. Patent Number 6,229,762: ACOUSTIC SENSOR FOR A POINT IN SPACE.//U.S. Patent Number: 6,235,541: PATTERNING ANTIBODIES ON A SURFACE.

ADDRESSES: Requests for copies of the patents cited should be directed to: Naval Surface Warfare Center Carderock Division, Code 0117, 9500 MacArthur Boulevard, West Bethesda, MD 20817–5700, and must include the patent number.

FOR FURTHER INFORMATION CONTACT: Mr. Dick Bloomquist, Director, Technology Transfer Office, Naval Surface Warfare Center Carderock Division, Code 0117, 9500 MacArthur Boulevard, West Bethesda, MD 20817–5700, telephone (301) 227–4299.

(Authority: 35 U.S.C. 207, 37 CFR Part 404)

Dated: June 8, 2001.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 01–15447 Filed 6–19–01; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Invention; Available for Licensing

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of the general availability of exclusive or partially exclusive licenses under the following pending patent. Any license granted shall comply with 35 U.S.C. 209 and 37 CFR part 404. Applications will be evaluated utilizing the following criteria: (1) Ability to manufacture and market the technology; (2) manufacturing and marketing ability; (3) time required to bring technology to market and production rate; (4) royalties; (5) technical capabilities; and (6) small business status.

Patent application Serial Number 09/747,521 entitled ''Methods for Protection Against Lethal Infection with Bacillus Anthracis'' filed 21 December 2000. The present invention relates to the use selected genes from the pathogen Bacillus anthracis for constructing a plasmid or DNA-based vaccine which can be used to immunize susceptible hosts against the pathogenic effects of B. anthracis infection. Moreover, the invention describes the protective effects of immunization with DNA constructs encoding the Protective Antigen (PA) or the Lethal Factor (LF) and mutants thereof. Most importantly, the invention describes the complete protection of hosts following co-immunization of a host with PA and LF demonstrating a surprising synergistic effect. Lastly, the invention teaches the use of the synergistic effect of PA and/or LF genes for use as a general adjuvant for co-immunization with other DNA or protein based vaccines.

DATES: Applications for an exclusive or partially exclusive license may be submitted at any time from the date of this notice.

ADDRESSES: The Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave., Silver Spring, MD 20910–7500, telephone (301) 319–7428.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Schlagel, Director, Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave., Silver Spring, MD 20910–7500, telephone (301) 319–7428 or E-Mail at *schlagelc@nmrc.navy.mil.*

Dated: June 11, 2001.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 01–15448 Filed 6–19–01; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education; Title I, Part C—Education of Migratory Children

AGENCY: Department of Education.

ACTION: Notice of funding level for fiscal year (FY) 2001 consortium incentive grants available under Part C of Title I of the Elementary and Secondary Education Act of 1965.

SUMMARY: The Assistant Secretary for Elementary and Secondary Education reserves $2,300,000 for FY 2001 consortium incentive grant awards authorized under section 1308(d) of Title I of the Elementary and Secondary Education Act of 1965. (The FY 2001 Appropriations Act for the Department (P.L. 106–554) authorizes the Department to reserve up to $3,000,000 for these grant awards, notwithstanding the $1,500,000 ceiling in the authorizing statute). State educational agencies (SEAs) operating Migrant Education Programs (MEPs) are the only eligible entities for this formula grant program. Criteria for an SEA's receipt of consortium incentive grants were published in the **Federal Register** on April 8, 1996 (61 FR 15670).

FOR FURTHER INFORMATION CONTACT: Mr. James English, U.S. Department of Education, 400 Maryland Avenue, SW., Rm. 3E315, Washington, DC 20202–6135. Telephone: 202–260–1394. Email: *james.english@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay System (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, or computer diskette) on request of the

contact person listed in the preceding paragraph.

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(Catalog of Federal Domestic Assistance Number 84.144, Migrant Education Coordination Program)

Program Authority: 20 U.S.C. 6398(d).

Dated: June 14, 2001.

Thomas M. Corwin,

Acting Deputy Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 01–15555 Filed 6–19–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.351–C]

The Professional Development for Music Educators Program

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year (FY) 2001.

Purpose of Program: The Professional Development for Music Educators Program, funded under Subpart 1 of Part D of Title X of the Elementary and Secondary Education Act, makes grants to eligible entities for the development of high-quality professional development programs for K–12 music educators. Professional development model programs based upon innovative methodologies or best practices will be funded under this program.

Eligible Applicants: A local educational agency (LEA), acting on behalf of an individual school or schools where 75 percent or more of the children are from low-income families, based on the poverty criteria described in Title I Section 1113(a)(5) of the Elementary and Secondary Education Act, in collaboration with at least one of the following: (1) Institution of higher education; (2) State educational agency; or (3) public or private non-profit agency with a history of providing high-quality professional development services to public schools. Only schools where 75 percent or more of the children served are from low-income families may receive services under this program. Each school served through this program must submit evidence that it meets the poverty criteria. Applicants may submit records kept for the purpose of Title I of the ESEA that demonstrate proof of eligibility for each school to be served.

Note: The LEA must serve as the fiscal agent for the program.

Applications Available: June 20, 2001.

Applications Must be Received By: August 6, 2001.,

Deadline for Intergovernmental Review: September 4, 2001.

Available Funds: approximately $2,000,000.

Estimated Number of Awards: 7–10.

Estimated Size of Awards: $100,000—$250,000.

Average size of Awards: $200,000.

Note: These estimates are projections for the guidance of potential applicants. The Department is not bound by any estimates in this notice. The Administration is not requesting funding for this program in FY 2002.

Project Period: 12 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 97, 98, and 99.

E-Mail Notification of Intent to Apply for Funding: The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify the Department by e-mail that it intends to submit an application for funding. The Secretary requests that this e-mail notification be sent no later than July 20, 2001. The e-mail notification should be sent to Ms. Madeline Baggett at *madeline.baggett@ed.gov.* Applicants that fail to provide this e-mail notification may still apply for funding.

SUPPLEMENTARY INFORMATION:

Background

Participation in music education programs fosters an appreciation of music, creativity in expression, and greater academic potential for all students. Recent studies have linked student participation in music programs to academic and potential academic benefits including:

(1) Improved scores on standardized tests; (2) improved math achievement; and (3) improved reading achievement.

Research has demonstrated a correlation between the development of musical ability and positive academic and behavioral changes. Students, especially middle and high school youth, are encouraged to express themselves through music education. Positive academic gains as well as increased self-confidence, motivation, and willingness to remain in school have been reported. In addition, students participating in band and orchestra have exhibited:

(1) Increased facility in non-verbal expression of ideas; (2) increased utilization of a variety of problem-solving skills; (3) greater success in collaborative learning environments; and (4) learning involving multiple intelligences.

While all students have musical ability, not all students are able to develop fully their musical potential. Financially strapped school districts often cut or curtail arts education programs, including music programs. Professional development opportunities for teachers are generally inadequate as well. Support for high-quality professional development for music teachers would enable them to assist students, especially in high-poverty schools where funding deficits are most severe, in developing their musical talents and abilities and in potentially improving in other academic areas as well.

Program Purposes

The extent to which teachers have received substantial formal education in their field directly affects their effectiveness in the classroom. Research findings have established a clear connection between teacher qualifications and student performance. The fundamental characteristics of effective professional development are well documented, and studies continue to indicate that sustained, substantive teacher learning must take place if students are to learn to high standards. In addition, teachers must have sufficient time to absorb and apply new knowledge in their classrooms.

High-quality music education programs are integrally linked to the qualifications of the music educators. Students have a greater likelihood of success when their teachers are qualified music professionals whose ongoing professional development enables them to offer high-quality instruction linked to performance standards. While adequate staff, facilities, and equipment are important

components of any successful music education program, teacher qualifications and continued professional growth opportunities are the factors that most directly affect student achievement.

Music content and achievement standards have been voluntarily adopted in many States throughout the country. Such standards help school districts to establish student performance standards based upon the unique needs of, and desired outcomes for, the students in their communities. The development and implementation of standards-based music programs enable music educators to assess and document the effectiveness of teaching strategies and materials in addition to student achievement. However, teachers often need professional development on how to implement music education standards for both music programs and programs designed to integrate music into other subject areas.

Further, high-quality professional development programs for music educators should address and strive to achieve: (1) Increased student learning and teacher effectiveness; (2) the development of strategies for meeting the needs of students who come from diverse cultural, linguistic, and socioeconomic backgrounds; (3) rigorous and sustained training activities; (4) the intellectual and leadership development of teachers; (5) increased content knowledge for music teachers; (6) the application of relevant innovations in technology in music instruction; and (7) increased opportunities for teachers to share and discuss new methodologies or teaching strategies with their peers.

At the end of the project period, EDGAR (34 CFR 75.590) requires each grantee to submit a final program report. The Department intends to utilize information from the final report to determine which professional development programs have the greatest potential for improving teacher expertise in, and ultimately student performance in, music education. The Department will disseminate information regarding successful teaching methodologies or best practices that are developed, enhanced, or expanded through this program to the music education community and to the public in general.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed rules. Section 437(d)(1) of the General Education Provisions Act (GEPA), however, allows the Secretary to exempt rules governing the first competition under a new or substantially revised program authority (20 U.S.C. 1232(d)(1)). Funding was provided for this new initiative in the Fiscal Year 2001 Department of Education Appropriations Act, enacted in December of 2000. Because this competition is the first competition under the program, it therefore qualifies as a new competitive grants program. The Secretary, in accordance with section 437(d)(1) of GEPA has decided to forego public comment in order to ensure timely grant awards. These rules will apply to the FY 2001 grant competition only.

Coordination Requirement

A recipient of funds under this program shall, to the extent possible, coordinate projects assisted under this program with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

Absolute Priority

Under 34 CFR 75.105(c)(3), the Secretary gives an absolute priority to professional development programs designed for K–12 music teachers that focus on: (1) The development, enhancement, or expansion of standards-based music education programs; or (2) the integration of music instruction into other subject area content. Funded projects will address and strive to achieve all aspects of high-quality professional development programs as described under the Program Purposes section.

Under 34 CFR 75.105(c)(3), the Secretary will fund under this competition only applicants that meet the absolute priority.

General Requirements

The following requirements must be met for any application submitted under this program:

(a) The program narrative is limited to no more than 40 pages using the following standards: (1) Each ''page'' is 8.5″ × 11″ (on one side only) with one inch margins (top, bottom, and sides); and (2) Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, and captions, as well as all text in the application narrative, including titles, headings, footnes, quotations, captions, as well as all text in charts, tables, figures, and graphs. The page limit applies to the narrative section only. However, all of the application narrative must be included in the narrative section. If the narrative section of an application exceeds the page limitation, the application will not be reviewed. (b) the projects funded under this priority must budget for a two-day Project Directors' meeting in Washington, DC.

Selection Criteria

The Secretary will use the following selection criteria in 34 CFR 75.210 to evaluate applications under this competition. The maximum score for each criterion is 100 points. The maximum score for each criterion is indicated in parenthesis with the criterion. The criteria are as follows:

(a) Significance (15 points)

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project involves the development of promising new strategies that build on, or are alternatives to, existing strategies.

(ii) The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings.

(iii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(b) Quality of the Project Design (20 Points)

(1) The Secretary considers the quality of the project design of the proposed project.

(2) In determining the quality of the project design, the Secretary considers the following factors:

(i) The extent to which the proposed project represents an exceptional approach for meeting the priority established for the competition.

(ii) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(iii) The quality of the methodology to be employed in the proposed project.

(c) Quality of Project Services 20 Points)

(1) The Secretary considers the quality of project services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for

eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practices.

(ii) The extent to which the professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(d) Quality of Project Personnel (10 points)

(1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been under represented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director;

(ii) The qualifications, including relevant training and experience, of key project personnel.

(iii) The qualification, including relevant training and experience, of project consultants or subcontractors.

(e) Adequacy of Resources (10 points)

(1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The adequacy of support, including facilities, equipment, supplies, and other resources, from the lead applicant organization.

(ii) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(iii) The potential for incorporation of project purposes, activities or benefits into the ongoing program of the agencies or organizations involved in the project at the end of Federal funding.

(f) Quality of the Management Plan (10 points)

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, time lines, and milestones for accomplishing project tasks.

(ii) The adequacy of procedures for ensuring continuous feedback and continuous improvement in the operation of the proposed project.

(iii) The extent to which the time commitments of the project director and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(g) Quality of the Project Evaluation (15 points)

(1) The Secretary considers the quality of the project evaluation.

(2) In determining the quality of the project evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation include objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(ii) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

For Applications or Information Contact

Madeline E. Baggett, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–6140. Telephone (202) 260–2502. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternative format also by contacting that person. However, the Department is not able to reproduce in an alternative format the standards forms included in the application package.

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Program Authority: 20 U.S.C. 8091.

Dated: June 14, 2001.

Thomas M. Corwin,

Acting Deputy Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 01–15556 Filed 6–19–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1635–000]

AIG Energy Trading Inc.; Notice of Issuance of Order

June 14, 2001.

AIG Energy Trading Inc. (AIG) submitted for filing a rate schedule under which AIG will engage in wholesale electric power and energy transactions at market-based rates. AIG also requested waiver of various Commission regulations. In particular, AIG requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by AIG.

On May 24, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by AIG should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426,

in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, AIG is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of AIG's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is June 25, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of papeer. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15517 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–454–000]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

June 14, 2001.

Take notice that on June 8, 2001, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, bearing a proposed effective date of July 9, 2001:

Tenth Revised Sheet No. 262
First Revised Sheet No. 487
Original Sheet No. 488

Columbia states that the instant filing is being made to comply with the order on Remand in Docket No. CP95–218–002 (Remand Order) issued by the Commission on December 14, 2000. The ''Remand Order'' revised the Commission's previous policy requiring pipelines to seek case-by-case approval before acquiring offsystem capacity and permitting new acquisitions of offsystem capacity by pipelines to be made without pre-approval. In its order denying clarification and rehearing issued April 12, 2001, in Docket No. CP95–218–004, the Commission clarified that pipelines intending to transport gas for others on acquired offsystem capacity must receive a waiver of the ''shipper must have title'' policy prior to commencing the service. The Commission stated that a pipeline need not seek such waiver on case-by-case basis; rather it may make a single filing to amend its tariff to include a general statement that it will only transport for others using offsystem capacity pursuant to its existing tariff and rates and to request a generic waiver of the ''shipper must have title'' policy. The purpose of the instant filing is to include a general statement in Columbia's tariff and to request such waiver.

Columbia states that copies of its filing have been mailed to all firm customers, interruptible customers, and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15511 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–455–000]

Columbia Gulf Transmission Company; Notice of Proposed Change in Gas Tariff

June 14, 2000.

Take notice that on June 8, 2001, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, bearing a proposed effective date of July 9, 2001:

Sixth Revised sheets No. 125
First Revised Sheet No. 287
Original Sheet No. 288

Columbia Gulf states that the instant filing is being made to comply with the Order on Remand in docket No. CP95–218–002 (Remand Order) issued by the Commission on December 14, 2000. The ''Remand Order'' revised the commission's previous policy requiring pipelines to seek case-by-case approval before acquiring offsystem capacity and permitting new acquisitions of offsystem capacity by pipelines to be made without pre-approval. In its order denying clarification and rehearing issued April 12, 2001, in Docket No. CP95–218–004, the Commission clarified that pipelines intending to transport gas for others on acquired offsystem capacity must receive a waiver of the ''shipper must have title'' policy prior to commencing the service. The Commission stated that a pipeline need not seek such waiver on a case-by-case basis; rather it may make a single filing to amend its tariff to include a general statement that it will only transport for other using offsystem capacity pursuant to its existing tariff and rates and to request a generic waiver of the ''shipper must have title'' policy. The purpose of the instant filing is to include general statement in Columbia Gulf's tariff and to request such waiver.

Columbia Gulf states further that copies of this filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http:///www.ferc.fed.us/online.rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http:///www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15512 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–2171–000]

Commonwealth Edison Co.; Notice of Filing

June 13, 2001.

Take notice that on June 7, 2001, Commonwealth Edison Company (ComEd) submitted for filing two errata to its May 30, 2001 filing in Docket No. ER01–2171–000 of Service Agreements with EnergyUSA–TPC Corp., Ameren Energy, Inc. and Conoco Gas & Power Marketing, a Division of Conoco, Inc. (CONC). Specifically, ComEd corrected a typo in its transmittal to clarify that it is requesting a May 1, 2001 effective date for the Service Agreements filed on May 30, 2001 in Docket No. ER01–2171–000.

ComEd notes that the requested May 1, 2001 effective date was correctly indicated on its Order 614 designations and the Notice of Filing that were submitted as part of its May 30, 2001 filing. ComEd also corrected the order of an Order 614 designation and one of the CONC Service Agreements.

Copies of the filings were served on the affected customers and on the parties designated on the official service list.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before June 28, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–15457 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1721–000]

Entergy Nuclear Indian Point 2, LLC; Notice of Issuance of Order

June 14, 2001.

Entergy Nuclear Indian Point 2, LLC (Entergy Nuclear) submitted for filing a rate schedule under which Entergy Nuclear will engage in wholesale electric power and energy transactions at market-based rates. Entergy Nuclear also required waiver of various Commission regulations. In particular, Entergy Nuclear requested that the Commission grant blanket approval under 18 CFR part 34 of all futures issuances of securities and assumptions of liability by Entergy Nuclear.

On May 24, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Entergy Nuclear should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules and Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Entergy Nuclear is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Entergy Nuclear's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is June 25, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15516 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–453–000]

Granite State Gas Transmission; Notice of Proposed Changes In FERC Gas Tariff

June 14, 2001.

Take notice that on June 8, 2001, Granite State Gas Transmission (Granite State) tendered for filing as part of its

FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, a proposed effective date of July 9, 2001:

Third Revised Sheet No. 200A
Original Sheet No. 339A

Granite State states that the instant filing is being made to comply with the Order on Remand in Docket No. CP95–218–002 (Remand Order) issued by the Commission on December 14, 2000. The ''Remand Order'' revised the Commission's previous policy requiring pipelines to seek case-by-case approval before acquiring offsystem capacity and permitting new acquisitions of offsystem capacity by pipelines to be made without pre-approval. In its order denying clarification and rehearing issued April 12, 2001, in Docket No. CP95–218–004, the Commission clarified that pipelines intending to transport gas for others on acquired off system capacity must receive a waiver of the ''shipper must have title'' policy prior to commencing the service. The Commission stated that a pipeline need not seek such waiver on a case-by-case basis; rather it may make a single filing to amend its tariff to include a general statement that it will only transport for others using off system capacity pursuant to its existing tariff and rates and to request a generic waiver of the ''shipper must have title'' policy. The purpose of the instant filing is to include a general statement in Granite State's tariff and to request such waiver.

Granite State states that copies of its filing have been mailed to all firm customers, interruptible customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protect with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. Sec. 18 CFR 385.2001(a0(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15510 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–438–001]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Tariff Filing

June 14, 2001.

Take notice that on June 11, 2001, Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1–A, the following tariff sheet, to be effective July 1, 2001:

Substitute Original Sheet No. 1480

KMIGT states that this tariff sheet is being submitted to clarify language in the original filing in this docket.

KMIGT states that a copy of this filing has been served upon all KMIGT customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 first Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15501 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–272–032]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

June 14, 2001.

Take notice that on June 11, 2001, Northern Natural Gas Company (Northern) tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, proposed to become effective on June 12, 2001:

Twentieth Revised Sheet No. 66
Eleventh Revised Sheet No. 66A

Northern states that the above sheets are being filed to implement a specific negotiated rate transaction with Kaztex Energy Management, Inc. in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of Service Ratemaking for Natural Gas Pipelines.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15506 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 696–012]

PacifiCorp; Notice of Petition for Declaratory Order

June 14, 2001.

On March 15, 2001, PacifiCorp filed a petition for declaratory order regarding the American Fork Hydroelectric Project No. 6967. PacifiCorp requests that the Commission issue a declaratory order finding that PacifiCorp, as licensee of the American Fork Hydroelectric Project, enjoys a ''perpetual license'' for the project, and that consequently it is unnecessary for PacifiCorp to seek a new license for the project.[1] PacifiCorp asserts that issuance of a declaratory order is necessary in order to resolve uncertainty regarding whether a new license is required for continued operation of the project.

Any person desiring to be heard or to protest the petition should file comments, a protest, or motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 385.210, 385.211 and 385.214. In determining the appropriate action to be taken, the Commission will consider all protests and other comments, but only those who file a motion to intervene may become parties to the proceeding. Comments, protests, or motions to intervene must be filed by within 30 days following publication of this notice in the **Federal Register** and must bear in all capital letters the title ''COMMENTS,'' ''PROTEST,'' or ''MOTION TO INTERVENE,'' as applicable, and Project No. 696–012.

Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Send the filings (original and 8 copies) to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Copies of the petition for declaratory order are on file with the Commission and are available for public inspection in Room 2A and may also be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15521 Filed 6–19–01; 8:45 am]

BILLING CODE 6777–01–M

[1] The original license for the project was issued to PacifiCorp's predecessor, Utah Power & Light Company, on November 24, 1975. PacificCorp timely filed an application for a new license in October 1998, two years before October 31, 2000, the expiration date for its original license. By notice issued November 14, 2000, the Commission issued PacificCorp an annual license for the project, and project operations are continuing pursuant to annual license, pending disposition of the relicense application.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2342–012]

PacifiCorp; Notice of Petition for Declaratory Order

June 14, 2001.

On June 1, 2001, PacifiCorp filed a petition for declaratory order regarding the Condit Hydroelectric Project No. 2343. PacifiCorp requests the Commission to issue a declaratory order finding that the Commission has jurisdiction to entertain and grant the relief requested in PacifiCorp's pending application for Amendment of License and Approval of Offer of Settlement which was filed with the Commission on October 21, 1999. Specifically, PacifiCorp seeks a determination to clarify whether the Commission has the authority to extend the term of its original license through 2006 and to incorporate into the license terms and conditions relating to project decommissioning and removal of project facilities upon expiration of the extended license.[1]

Any person desiring to be heard or to protest the petition should file comments, protests, or motions to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 385.210, 385.211 and 385.214. In determining the appropriate action to be taken, the Commission will consider all protests and comments, but only those who file a motion to intervene may become parties to the proceeding. Comments, protests, or motions to intervene must be filed within 30 days from publication of this notice in the **Federal Register** and must bear in all capital letters the title ''COMMENTS,'' ''PROTEST,'' or ''MOTION TO INTERVENE,'' as applicable, and Project No. 2342–012.

Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Send the filings (original and 8 copies) to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Copies of the petition for declaratory order are on file with the Commission and are available for public inspection in Room 2A and may be viewed on the web at http/://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15522 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

[1] The original license for the project was issued to PacifiCorp's predecessor, Pacific Power and Light Company on December 20, 1968. PacifiCorp timely filed an application for new license in December 1991, two years before the December 31, 1993 expiration date for its original license. Since expiration of the original license, project operations have continued pursuant to annual license, pending disposition of the relicense application.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–451–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

June 14, 2001.

Take notice that on June 8, 2001, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Eighth Revised No. 339, to be effective July 8, 2001.

Panhandle states that the purpose of this filing is to add a general statement in Section 27.7 of the General Terms and Conditions to address the ''shipper must have title'' rule and state that Panhandle will only provide service for others utilizing capacity acquired on another pipeline (off-system capacity) pursuant to its existing rates and tariff. Panhandle requests that the Commission grant a generic waiver of the ''shipper must hold title'' policy for any future service that Panhandle may provide utilizing off-system capacity.

Panhandle states that copies of this filing are being served on all affected customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's

Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 185.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15509 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–400–001]

PG&E Gas Transmission, Northwest Corporation; Notice of Tariff Filing

June 14, 2001.

Take notice that on June 7, 2001, PG&E Gas Transmission, Northwest Corporation (GTN) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A, substitute tariff sheets intended to address certain issues raised by the Commission in its June 1, 2001 Order in this docket.

GTN's filing provides further clarification and explanation as requested by the Commission. GTN requests that the original, revised and substitute tariff sheets filed in this docket become effective July 1, 2001.

GTN further states that a copy of this filing has been served on GTN's jurisdictional customers and interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15508 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–449–000]

Sea Robin Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

June 14, 2001.

Take notice that on June 8, 2001, Sea Robin Pipeline Company (Sea Robin) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Third Revised Sheet No. 49, to be effective July 8, 2001.

Sea Robin states that the purpose of this filing is to add a general statement in section 14.1 of the General Terms and Conditions to address the ''shipper must have title'' rule and state that Sea Robin will only provide service for others utilizing capacity acquired on another piepline (off-system capacity) pursuant to its existing rates and tariff. Sea Robin requests that the Commission grant a generic waiver of the ''shipper must hold title'' policy for any future service that Sea Robin may provide utilizing off-system capacity.

Sea Robin states that copies of this filing are being served on all affected customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rule and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15502 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–450–000]

Southwest Gas Storage Company; Notice of Proposed Changes in FERC Gas Tariff

June 14, 2001.

Take notice that on June 8, 2001, Southwest Gas Storage Company (Southwest) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Second Revised Sheet No. 147, to be effective July 8, 2001.

Southwest states that the purpose of this filing is to add a general statement in section 17.6 of the General Terms and Conditions to address the ''shipper must have title'' rule and state that Southwest will only provide service for others utilizing capacity acquired on another pipeline (off-system capacity) pursuant to its existing rates and tariff. Southwest requests that the Commission grant a generic waiver of the ''shipper must hold title'' policy for any future service that Southwest may provide utilizing off-system capacity.

Southwest states that copies of this filing are being served on all affected customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance

with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15503 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–456–000]

Tennessee Gas Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

June 14, 2001.

Take notice that on June 11, 2001, Tennessee Gas Pipeline Company (Tennessee) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, with an effective date of July 11, 2001:

Ninth Revised Sheet No. 301
Second Revised Sheet No. 368

Tennessee states that the revised tariff sheets are being filed to modify Tennessee's tariff to provide for a general waiver of the ''shipper must have title rule'' in the event that Tennessee is transporting gas for others on acquired off-system capacity and to include a general statement that Tennessee will only transport for others using off-system capacity pursuant to its existing tariff and rates.

Tennessee states that copies of the filing has been mailed to each of Tennessee's customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15504 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP96–312–055 and CP00–65–004]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate and Compliance Filing

June 14, 2001.

Take notice that on June 11, 2001, pursuant to Section 4 of the Natural Gas Act, Part 154 of the Regulations of the Federal Energy Regulatory Commission, 18 CFR Part 154 and the Commission's February 23, 2001 Order Issuing Certificates and Authorizing Abandonment in Docket No. CP00–65, Tennessee Gas Pipeline Company (Tennessee), tendered for filing and approval (1) a Gas Transportation Agreement between Tennessee and eCORP Marketing, L.L.C. (eCORP) pursuant to Tennessee's Rate Schedule FT–A for service on Tennessee's mainline system (Mainline Service Agreement); and (2) a Gas Transportation Agreement between Tennessee and eCorp pursuant to Tennessee's Rate Schedule FT–A for service on Tennessee's Stagecoach Lateral (Lateral Service Agreement). Tennessee requests that the Commission accept and approve on an expedited basis the negotiated rates in the Mainline Service Agreement and the Lateral Service Agreement to be effective on their respective commencement dates. Tennessee also requests that the Commission find that a June 5, 2001 Gas Transportation Agreement, between eCORP and Tennessee (''eCORP Agreement'') does not contain any material deviation from Tennessee's *pro forma* FT–A Service Agreement. Alternatively, if the Commission finds that the eCORP Agreement contains a material deviation, Tennessee requests that the Commission approve the eCORP Agreement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15507 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01–17–001]

Tennessee Gas Pipeline; Notice of Compliance Filing

June 14, 2001.

Take notice that on June 8, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Substitute Fourth Revised Sheet No. 406A, with an effective date of June 1, 2001.

Tennessee states that the referenced sheet is being filed to comply with the Tennessee's May 25, 2001, Letter Order in the captioned proceeding. In compliance with the Letter Order, Tennessee has revised Article XXXI of the General Terms and Conditions of its Tariff to reflect the Commission-approved language regarding gathering affiliate access. Tennessee requests that the referenced sheet be made effective June 1, 2001, subject to Tennessee's reserved rights to seek rehearing of the Letter Order and, if applicable, to modify the filing to reflect the outcome of any such rehearing or judicial review of these proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15520 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–452–000]

Trunkline Gas Company; Notice of Proposed Changes in FERC Gas Tariff

June 14, 2001.

Take notice that on June 8, 2001, Trunkline Gas Company (Trunkline) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Seventh Revised Sheet No. 242A, to be effective July 8, 2001.

Trunkline states that the purpose of this filing is to add a general statement in Section 28.7 of the General Terms and Conditions to address the ''shipper must have title'' rule and state that Trunkline will only provide service for others utilizing capacity acquired on another pipeline (off-system capacity) pursuant to its existing rates and tariff. Trunkline requests that the Commission grant a generic waiver of the ''shipper must hold title'' policy for any future service that Trunkline may provide utilizing off-system capacity.

Trunkline states that copies of this filing are being served on all affected customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15519 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–448–000]

Trunkline LNG Company; Notice of Proposed Changes in FERC Gas Tariff

June 14, 2001.

Take notice that on June 8, 2001, Trunkline LNG Company (TLNG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1–A, Sixth Revised Sheet No. 115, to be effective July 8, 2001.

TLNG states that the purpose of this filing is to add a general statement in section 21.7 of the General Terms and Conditions to address the ''shipper must have title'' rule and state that TLNG will only provide service for others utilizing capacity acquired on another pipeline (off-system capacity) pursuant to its existing rates and tariff. TLNG requests that the Commission grant a generic waiver of the ''shipper must hold title'' policy for any future service that TLNG may provide utilizing off-system capacity.

TLNG states that copies of this filing are being served on all affected customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15500 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RT01–74–003]

Carolina Power & Light Company Duke Energy Corporation South Carolina Electric & Gas Company GridSouth Transco, LLC; Notice of Filing

June 14, 2001.

Take notice that on June 11, 2001, Carolina Power & Light Company

(CP&L), Duke Energy Corporation (Duke), and South Carolina Electric & Gas Company (SCE&G), collectively the Applicants, tendered for filing with the Federal Energy Regulatory Commission (Commission), on behalf of GridSouth Transco, LLC (GridSouth), a revised pro forma GridSouth Open Access Transmission Tariff (OATT) tariff sheet intended to comply with the Commission's May 30, 2001 order in the above-referenced docket, 95 FERC ¶61,282 (2001).

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before June 22, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15505 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–229–000, et al.]

Plains End, LLC, et al.; Electric Rate and Corporate Regulation Filings

June 13, 2001

Take notice that the following filings have been made with the Commission:

1. Plains End, LLC

[Docket No. EG01–229–000]

Take notice that on June 11, 2001, Plains End, LLC (Applicant), a limited liability company with its principal place of business at 7500 Old Georgetown Road, 13th Floor, Bethesda, Maryland 20814–6161, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant proposes to construct, own or lease and operate a natural gas-fired power plant of approximately 113 MW capacity in Arvada, Colorado. The proposed power plant is expected to commence commercial operation on or about April, 2002. All output from the plant will be sold by Applicant exclusively at wholesale.

Comment date: July 5, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. ISO New England Inc.

[Docket No. EL00–62–026]

Take notice that on June 4, 2001, ISO New England Inc. submitted as a compliance filing in the above-referenced docket a new proposal for an Installed Capability market (with related changes) effective August 1, 2001. On June 5, 2001, ISO New England filed errata sheets to its June 4, 2001 compliance filing.

Copies of said filings have been served upon NEPOOL Participants and upon all non-Participant entities that are customers under the NEPOOL Open Access Transmission Tariff, as well as upon the governors and utility regulatory agencies of the six New England States.

Comment date: June 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. PJM Interconnection, L.L.C.

[Docket No. EL01–63–001]

Take notice that on June 5, 2001, PJM Interconnection, L.L.C. (PJM) submitted a clean ''Second Revised Sheet No. 53 Superceding First Revised Sheet No. 53'' and ''Second Revised Sheet No. 54 Superceding Second Revised Sheet No. 54'' which was mis-designated in the original filing made April 5, 2001 in this docket.

Comment date: June 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. The Detroit Edison Company; DTE Energy Trading, Inc.

[Docket No. ER01–1572–001]

Take notice that on June 7, 2001, The Detroit Edison Company (Detroit Edison) submitted for filing amendments to wholesale power contracts that were the subject of the Commission's May 17, 2001 order in this proceeding.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Southern Company—Florida LLC

[Docket No. ER01–1633–001]

Take notice that on June 7, 2001, Southern Company—Florida LLC submitted for filing a revised market rate tariff in compliance with the order of the Director, Division of Corporate Applications, issued on May 23, 2001.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Nine Mile Point Nuclear Station, LLC

[Docket No. ER01–1654–001]

Take notice that on June 8, 2001, Nine Mile Point Nuclear Station, LLC submitted for filing a First Substitute Sheet No. 2 to its FERC Electric Tariff, Original Volume No. 1, in compliance with the letter order issued in this docket on May 16, 2001.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Entergy Solutions Supply Ltd.

[Docket No. ER01–1675–001]

Take notice that on June 7, 2001, Entergy Solutions Supply Ltd. tendered a compliance filing for authorization to sell power at market-based rates. Copies of this filing have been served on the Arkansas Public Service Commission, Mississippi Public Service Commission, Louisiana Public Service Commission, Texas Public Utility Commission, and the Council of the City of New Orleans.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. El Paso Electric Company; Public Service Company of New Mexico; Arizona Public Service Company

[Docket No. ER01–2091–001]

Salt River Project Agricultural Improvement and Power District

[Docket No. NJ01–7–001]

Take notice that on June 8, 2001, El Paso Electric Company, Public Service Company of New Mexico, Arizona Public Service Company, and the Salt River Project Agricultural Improvement and Power District, tendered for filing a clarification to their proposal to treat the multiple generating units that are connected to the Palo Verde/Hassayampa Common Bus Market Hub as a single point of receipt.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Allegheny Power Service Corporation, on behalf of Allegheny Energy Supply Lincoln Generating Facility, LLC (Allegheny Energy Supply—Lincoln)

[Docket No. ER01–2092–001]

Take notice that on June 7, 2001, Allegheny Power Service Corporation on behalf of Allegheny Energy Supply Lincoln Generating Facility, LLC (Allegheny Energy Supply—Lincoln) filed a correction to Service Agreement No. 2 under its Market Rate Tariff to reflect an assignment of Service Agreement No.2 from Commonwealth Edison Company to Exelon Generation Company, LLC.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. New England Power Pool Participants Committee

[Docket No. ER01–2115–001]

Take notice that on June 7, 2001, the New England Power Pool (NEPOOL) Participants Committee amended its May 22, 2001 Informational Filing and Request for Order Regarding Standard Market Design—CMS/MSS (the Informational Filing). The amendment withdraws a request for an expeditious Commission order set forth in the Informational Filing.

The NEPOOL Participants Committee states that copies of these materials were sent to all persons on the Commission's official services lists in these proceedings, the NEPOOL Participants and the New England state governors and regulatory commissions.

Comment date: June 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Louisville Gas and Electric Company/Kentucky Utilities Company

[Docket No. ER01–2243–000]

Take notice that on June 7, 2001, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter, Companies) tendered for filing an executed unilateral Service Sales Agreement between Companies and Northern Indiana Public Service Company under the Companies' Rate Schedule MBSS.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Louisville Gas And Electric Company/Kentucky Utilities Company

[Docket No. ER01–2244–000]

Take notice that on June 7, 2001, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter, Companies) tendered for filing an executed transmission service agreement with Axia Energy, L.P. (Axia). This agreement allows Axia take non-firm point-to-point transmission service from LG&E/KU.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Louisville Gas and Electric Company/Kentucky Utilities Company

[Docket No. ER01–2245–000]

Take notice that on June 7, 2001, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter, Companies) tendered for filing executed transmission service agreement with Axia Energy, L.P. (Axia). The agreement allows Axia to take firm point-to-point transmission service from the Companies.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Louisville Gas and Electric Company/Kentucky Utilities Company

[Docket No. ER01–2246–000]

Take notice that on June 7, 2001, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter, Companies) filed a termination notice for firm and non-firm transmission service between the Companies and Consumers Energy Company d/b/a Consumers Energy Traders and The Detroit Edison Company. The terminated services are Tariff Volume 1 Service Agreement 166 for the firm transmission service and Tariff Volume 1 Service Agreement 167 for the non-firm transmission service.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Louisiana Generating LLC

[Docket No. ER01–2247–000]

Take Notice that Louisiana Generating LLC (Louisiana Generating), on June 7, 2001, tendered for filing a proposed change to its Rate Schedule FERC No. 4, Original Vol. 1. The proposed change reflects the assignment by the customer under the Rate Schedule, Municipal Electric Agency of Mississippi, of a portion of its power purchase rights to another party, Mississippi Delta Energy Agency. Louisiana Generating states that the affected customers requested the change and consent to it.

Copies of the filing were served upon Louisiana Generating's affected customers.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Cinergy Services, Inc.

[Docket No. ER01–2248–000]

Take notice that on June 7, 2001, Cinergy Services, Inc. (Cinergy) tendered for filing a revised pricing structures for Calendar Years 2005 and 2006 within the Confirmation Letter under Cinergy's Market-Based Power Sales Standard Tariff-MB (the Tariff) entered into between Cinergy and The Village of Georgetown, Ohio (Georgetown).

Cinergy and Georgetown are requesting an effective date of January 1, 2001.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Cinergy Services, Inc.

[Docket No.ER01–2249–000]

Take notice that on June 7, 2001, Cinergy Services, Inc. (Cinergy) tendered for filing a Notice of Name Change from Southern Company Energy Marketing, L.P. to Mirant Americas Energy Marketing, LP. Cinergy respectfully requests waiver of notice to permit the Notice of Name Change to be made effective as of the date of the Notice of Name Change.

A copy of the filing was served upon Mirant Americas Energy Marketing, LP.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Cinergy Services, Inc.

[Docket No. ER01–2250–000]

Take notice that on June 7, 2001, Cinergy Services, Inc. (''Cinergy'') tendered for filing a Service Agreement under Cinergy's Resale, Assignment or Transfer of Transmission Rights and Ancillary Service Rights Tariff (''the Tariff'') entered into between Cinergy and LG&E Energy Marketing Inc. (''LEM''). This Service Agreement has been executed by both parties and is to replace the existing unexecuted Service Agreement.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. New York Independent System Operator, Inc.

[Docket No. ER01–2251–000]

Take notice that on June 6, 2001, the New York Independent System Operator, Inc. (''NYISO'') filed revisions to its Market Administration and Control Area Services Tariff (''Services Tariff'') in order to revise its rules governing Regulation and Frequency Response Service and uninstructed overgeneration. The NYISO is also proposing to establish a new charge to discourage persistent undergeneration. The NYISO has requested a waiver of the Commission's notice requirements so that this filing may become effective on July 25, 2001.

The NYISO has served a copy of this filing upon all parties that have executed Service Agreements under the NYISO's Open Access Transmission Tariff and Services Tariff, as well as the New York State Public Service Commission, and the electric utility regulatory agencies in New Jersey and Pennsylvania.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. Xcel Energy Services, Inc.

[Docket No. ER01–2254–000]

Take notice that on June 7, 2001, Xcel Energy Services Inc. (''XES''), on behalf of Public Service Company of Colorado (''Public Service''), submitted for filing a Long-Term Firm Point-to-Point Transmission Service Agreement between Public Service and Tri-State Transmission & Generation, Inc. under Xcel's Joint Open Access Transmission Service Tariff (Xcel FERC Electric Tariff, Original Volume No. 1).

XES requests that this agreement, designated as Original Service Agreement No. 104–PSCo, become effective on May 8, 2001.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. Xcel Energy Services, Inc.

[Docket No. ER01–2255–000]

Take notice that on June 7, 2001, Xcel Energy Services Inc. (''XES''), on behalf of Public Service Company of Colorado (''Public Service''), submitted for filing a Non-Firm Point-to-Point Transmission Service Agreement between Public Service and Portland General Electric under Xcel's Joint Open Access Transmission Service Tariff (Xcel FERC Electric Tariff, Original Volume No. 1).

XES requests that this agreement, designated as Original Service Agreement No. 106–PSCo, become effective on May 23, 2001.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

22. Xcel Energy Services, Inc.

[Docket No. ER01–2256–000]

Take notice that on June 7, 2001, Xcel Energy Services Inc. (''XES''), on behalf of Public Service Company of Colorado (''Public Service''), submitted for filing a Short-Term Firm Point-to-Point Transmission Service Agreement between Public Service and Portland General Electric under Xcel's Joint Open Access Transmission Service Tariff (Xcel FERC Electric Tariff, Original Volume No. 1).

XES requests that this agreement, designated as Original Service Agreement No. 103–PSCo, become effective on May 23, 2001.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

23. Cinergy Services, Inc.

[Docket No. ER01–2257–000]

Take notice that on June 7, 2001, Cinergy Services, Inc. (''Provider'') tendered for filing a Non-Firm Point-to-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (''OATT'') entered into between Cinergy and Energy USA—TPC Corp. ''Customer'').

Provider and Customer are requesting an effective date of May 10, 2001.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

24. Cinergy Services, Inc.

[Docket No. ER01–2258–000]

Take notice that on June 7, 2001, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-to-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Energy USA—TPC Corp. (Customer).

Provider and Customer are requesting an effective date of May 10, 2001.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. Tucson Electric Power Company

[Docket No. ER01–2259–000]

Take notice that on June 6, 2001, Tucson Electric Power Company tendered for filing an Umbrella Agreement for Short-Term Firm Point-to-Point Transmission Service dated as of March 13, 2001 by and between Tucson Electric Power Company City of Burbank—FERC Electric Tariff Vol. No. 2, Service Agreement No. 164, and a Form of Service Agreement for Non-Firm Point-to-Point Transmission Service dated as of April 11, 2001 by and between Tucson Electric Power Company City of Burbank—FERC Electric Tariff Vol. No. 2, Service Agreement No. 165. No service has commenced at this time for either filing.

Tucson requests that the service agreements become effective as of May 21, 2001.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. American Transmission Company LLC

[Docket No. ER01–2260–000]

Take notice that on June 7, 2001, American Transmission Company LLC (ATCLLC) tendered for filing a Firm and Non-Firm Point-to-Point Service Agreement between ATCLLC and Western Resources.

ATCLLC requests an effective date of May 17, 2001.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

27. Southwest Power Pool, Inc.

[Docket No. ER01–2267–000]

Take notice that on June 7, 2001, Southwest Power Pool, Inc. (SPP) submitted for filing three executed service agreements for Firm Point-to-Point Transmission Service, Non-Firm Point-to-Point Transmission Service, and Loss Compensation Service with InterGen Services, Inc. (Transmission Customer).

SPP seeks an effective date of June 4, 2001 for each of these service agreements.

A copy of this filing was served on the Transmission Customer.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

28. Commonwealth Edison Company

[Docket No. ER01–2268–000]

Take notice that on June 7, 2001, Commonwealth Edison Company (ComEd) submitted for filing a Short-Term Firm Transmission Service Agreement with Calpine Energy Services, L.P. (CES) under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of May 11, 2001 for the service agreement and accordingly requests waiver of the Commission's notice requirements. Copies of the filing were served on CES.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

29. Exelon Corporation On Behalf Of Its Subsidiaries; PECO Energy Company and Commonwealth Edison Company

[Docket No. OA01–6–000]

Take notice that on June 4, 2001, Exelon Corporation (Exelon) on behalf of its subsidiaries PECO Energy Company (PECO) and Commonwealth Edison Company (ComEd) submitted for filing Exelon's corporate procedure titled ''Implementation of FERC Standards of Conduct,'' to become effective on June 1, 2001. These Procedures are intended to supersede and replace the individual procedures of PECO and ComEd that implement the FERC Standards of Conduct and which were accepted by the FERC in Dockets Nos. OA97–440 (PECO) and OA00–5–000 (ComEd).

A copy of the filing was served on the PJM Interconnection, L.L.C. and the Illinois Commerce Commission

Comment date: July 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

30. California Independent System Operator Corporation

[Docket No. ER01–2265–000]

Take notice that the California Independent System Operator Corporation, (ISO) on June 8, 2001, tendered for filing a Meter Service Agreement for ISO Metered Entities between the ISO and Soledad Energy, Inc. for acceptance by the Commission.

The ISO states that this filing has been served on Soledad Energy, Inc. and the California Public Utilities Commission.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

31. Carolina Power & Light Company

[Docket No. ER01–1853–001]

Take notice that on June 8, 2001, Carolina Power & Light Company (CP&L) tendered for filing a corrected Cost Support for Appendix K (Monthly Facility Fee) to the executed Facility Interconnection and Operating Agreement with Lumberton Power, LLC (Lumberton) correcting a typographical error. CP&L requests waiver of the Commission's notice requirements in order for the Appendix K to become effective on April 24, 2001.

Copies of the filing were served upon Lumberton and the North Carolina Public Utilities Commission.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

32. Southern Company Services, Inc.

[Docket No. ER01–2261–000]

Take notice that on June 8, 2001, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company (APC), tendered for filing an Interconnection Agreement (IA) by and between APC and Calhoun Power Company I, LLC (Calhoun). The IA allows Calhoun to interconnect its generating facility to be located in Calhoun County, Alabama, to APC's electric system.

An effective date of June 8, 2001 has been requested.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

33. Frederickson Power L.P.

[Docket No. ER01–2262–000]

Take notice that on June 8, 2001, Frederickson Power L.P. filed with the Commission an application for authority to sell electric energy and capacity at market-based rates, including a request for waivers and blanket approvals under various regulations of the Commission and for an order accepting certain power sales agreements for filing.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

34. California Independent System Operator Corporation

[Docket No. ER01–2263–000]

Take notice that the California Independent System Operator Corporation, (ISO) on June 8, 2001, tendered for filing a Participating Generator Agreement between the ISO and Soledad Energy, Inc. for acceptance by the Commission.

The ISO states that this filing has been served on Soledad Energy, Inc. and the California Public Utilities Commission.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

35. California Independent System Operator Corporation

[Docket No. ER01–2264–000]

Take notice that the California Independent System Operator Corporation, (ISO) on June 8, 2001, tendered for filing a Meter Service Agreement for ISO Metered Entities between the ISO and PPM One LLC for acceptance by the Commission.

The ISO states that this filing has been served on PPM One LLC and the California Public Utilities Commission.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

36. Pacific Gas & Electric Company

[Docket No. ER01–2269–000]

Take notice that on June 8, 2001, Pacific Gas and Electric Company (PG&E) tendered for filing a Generator Special Facilities Agreement (GSFA) and a Supplemental Letter Agreement between PG&E and Elk Hills Power, LLC (Elk Hills) (collectively Parties).

The GSFA permits PG&E to recover the ongoing costs associated with owning, operating and maintaining the Special Facilities. As detailed in the Special Facilities Agreement, PG&E proposes to charge Elk Hills a monthly Cost of Ownership Charge equal to the rates for transmission-level, customer-financed facilities in PG&Es currently effective Electric Rule 2, as filed with the California Public Utilities Commission (CPUC PG&E's currently effective rate of 0.31% for transmission-level, customer-financed Special Facilities is contained in the CPUCs Advice Letter 1960–G/1587–E, effective August 5, 1996, a copy of which is included as Attachment 2 of this filing.

Copies of this filing have been served upon Elk Hills, the California Independent System Operator Corporation and the CPUC.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

37. Elwood Energy II, LLC

[Docket No. ER01–2270–000]

Take notice that on June 8, 2001, Elwood Energy II, LLC tendered for filing an amended and restated service agreement for sales of energy and capacity to Aquila Energy Marketing Corporation and UtiliCorp United Inc.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

38. Allegheny Energy Service Corporation on behalf of Green Valley Hydro, LLC

[Docket No. ER01–2271–000]

Take notice that on June 8, 2001, Allegheny Energy Service Corporation on behalf of Green Valley Hydro, LLC filed Service Agreement No. 1 to add one (1) new Customer to the Market Rate Tariff under which Green Valley Hydro, LLC offers generation services. Green Valley Hydro, LLC requests a waiver of notice requirements to make service available as of June 1, 2001 to Allegheny Energy Supply Company, LLC.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15456 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

June 14, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12003–000.

c. *Date filed:* April 26, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* El Capitan Project.

f. *Location:* On the San Diego River, in San Diego County, California. The project would not utilize any federal dam or facilities.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. Deadline for filing motions to intervene, protests and comments: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, motions to intervene, and protests may be electronically filed via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.* Please include the project number (P–12003–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) An existing 1,170-foot-long, 237-foot-high earthfill dam, (2) existing impoundment with a storage capacity of 1,562 acres having a storage capacity of 112,800 acre-feet, and normal water surface elevation of 600 feet msl, (3) a proposed intake structure, (4) a proposed 500-foot-long, 120-inch-diameter steel penstock, (5) a proposed powerhouse containing two generating units having a total installed capacity of 2.2 MW, (6) a proposed 8-mile-long 15-kV transmission line, and (7) apppurtenant facilities

The project would have an annual generation of 17.3 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions To Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15513 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Protests, and Motions To Intervene

June 14, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12017–000.

c. *Date filed:* May 7, 2001.

d. *Applicant:* Silver Mountain Industries.

e. *Name and Location of Project:* The McKenzie Creek Project would be located on McKenzie Creek in San Miguel County, Colorado. The proposed dam and project would be partially located on lands administered by the U.S. Forest Service.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

g. *Applicant contact:* Dr. Vincent Lamarra, Ecosystems Research Institute, Inc., 975 South State Highway, Logan, UT 84321, (435) 752–2580, fax (435) 752–2581.

h. *FERC Contact:* Tom Papsidero, (202) 219–2715.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Motions to intervene, protests, and comments may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Please include the project number (P–12017–000) on any comments or motions filed. The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project:* The proposed project would use a proposed dam owned by Silver Mountain Industries, which would be located on McKenzie Creek. The proposed McKenzie Forebay Reservoir would have a surface area of one acre and a storage capacity of 10 acre-feet at 2,058 feet msl and include: (1) A proposed powerhouse with a total installed capacity of 1.79 megawatts; (2) a proposed 5,000-foot-long, 2-foot-diameter penstock; (3) a proposed 5-mile-long, 15 kv transmission line; and (4) appurtenant facilities. The project would operate in a run-of-river mode and would have an average annual generation of 8.45 GWh.

k. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

l. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to

take the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15514 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

June 14, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12019–000.

c. *Date filed:* May 8, 2001.

d. *Applicant:* Richard V. Williamson.

e. *Name of Project:* Howard, Big Canyon, and Panther Creeks Project.

f. *Location:* On the Howard, Big Canyon, and Panther Creeks, in Siskiyou County, California. The project would not use any federal dam or facilities.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* Mr. Richard V. Williamson, 1111 James Donlon Blvd., No. 2076, Antioch, CA 94509, (707) 745–7334.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* August 20, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, motions to intervene, and protests may be electronically filed via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.* Please include the project number (P–12019–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of our developments with a single common powerhouse:

(1) Howard Creek Diversion would include: (a) A proposed 30-foot-long, 10-inch-diameter concrete diversion dam; (b) a proposed impoundment having a surface area of 1000 square feet with negligible storage and normal water surface elevation of 4440 feet msl; (c) a proposed 3900-foot-long, 10-inch-diameter steel penstock;

(2) Big Canyon Creek Diversion would include: (a) A proposed 35-foot-long, 8-foot-high concrete diversion dam; (b) a proposed impoundment having a surface area of 2000 square feet with negligible storage and normal water surface elevation of 4000 feet msl; (c) a proposed 10,000-foot-long, 16-inch-diameter steel penstock;

(3) Panther Creek East Diversion would include: (a) A proposed 30-foot-long, 4-foot-high concrete diversion dam; (b) a proposed impoundment having a surface area of 700 square feet with negligible storage and a normal water surface elevation of 5440 feet msl; (c) a proposed 3500-foot-long, 6-inch-diameter steel penstock;

(4) Panther Creek West Diversion would include: (a) A proposed 30-foot-long, 5-foot-high concrete diversion dam; (b) a proposed impoundment having a surface area of 1000 square feet with negligible storage and normal water surface elevation of 5360 feet msl; (c) a proposed 3500-foot-long, 8-inch-diameter steel penstock;

(5) a proposed powerhouse containing one generating unit having an installed capacity of 800 kW; (6) a proposed 400-foot-long, 16-inch-diameter steel tailrace; (7) a proposed 500-foot-long three phase transmission line; and (8) appurtenant facilities.

The project would have an annual generation of 6.7 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing developing application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no

later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulation to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15515 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

June 14, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12001–000.

c. *Date Filed:* April 26, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Chabot Dam Project.

f. *Location:* On the San Leandro River, in Alameda County, California. The project would not utilize any federal dam or facilities.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. Deadline for filing motions to intervene, protests and comments: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, motions to intervene, and protests may be electronically filed via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.* Please include the project number (P–12001–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) An existing 450-foot-long, 142-foot-high dam, (2) an existing impoundment with a storage capacity of 340 acres having a storage capacity of 10,281 acre-feet, and normal water surface elevation of 700 feet msl, (3) a proposed intake structure, (4) a proposed 500-foot-long, 120-inch-diameter steel penstock, (5) a proposed powerhouse containing two generating units having a total installed capacity of 10.8 MW, (6) a proposed 2-mile-long, 15-kV transmission line, and (7) appurtenant facilities.

The project would have an annual generation of 78.84 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a

competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15518 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

June 14, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11953–000.

c. *Date filed:* April 16, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Wickiup Dam Project.

f. *Location:* On the Deschutes River, in Deschutes County, Oregon. The project would utilize the existing Bureau of Reclamation's Wickiup Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 834422, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, motions to intervene, and protests may be electronically filed via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.* Please include the project number (P–11925–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project using the Bureau of Reclamation's Wickiup Dam and impoundment would consist of: (1) A proposed intake structure, (2) a proposed 400-foot-long, 120-inch-diameter steel penstock, (3) a proposed powerhouse containing two generating units having a total installed capacity of 4 MW, (4) a proposed 9-mile-long, 15–kV transmission line, and (5) appurtenant facilities.

The project would have an annual generation of 18 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application

must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15523 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

June 14, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11959–000.

c. *Date Filed:* April 17, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Savage Rapids Diversion Dam Project.

f. *Location:* On the Rogue River, in Josephine and Jackson Counties, Oregon. The project would utilize the existing Bureau of Reclamation's Savage Rapids Diversion Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments, motions to intervene, and protests may be electronically filed via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc/fed/us/efi/doorbell.htm.* Please include the project number (P–11925–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission's relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on the resource agency.

k. *Description of Project:* The proposed project using the Bureau of Reclamation's Savage Rapids Diversion Dam and impoundment would consist of: (1) a proposed intake structure; (2) a proposed 75-foot-long, 240-inch-diameter steel penstock; (3) a proposed powerhouse containing two generating units having a total installed capacity of 6 MW; (4) a proposed 5-mile-long, 15-kV transmission line; and (5) appurtenant facilities.

The project would have an annual generation of 26 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc/fed/us/efi/doorbell.htm (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing

preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15524 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

June 14, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11962–000.

c. *Date filed:* April 17, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Horseshoe Dam Project.

f. *Location:* On the Verde River, in Maricopa County, Arizona. The project would utilize the existing Bureau of Reclamation's Horseshoe Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, motions to intervene, and protests may be electronically filed via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.* Please include the project number (P–11962–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project using the Bureau of Reclamation's Horseshoe Dam and impoundment would consist of: (1) A proposed intake structure, (2) a proposed 300-foot-long, 240-inch-diameter steel penstock, (3) a proposed powerhouse containing two generating units having a total installed capacity of 3 MW, (4) a proposed 5-mile-long, 15-kv transmission line, and (5) appurtenant facilities.

The project would have an annual generation of 25 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 first Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a completing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit

application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFT 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriation action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15525 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

June 14, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11985–000.

c. *Date filed:* April 23, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Altus Dam Project.

f. *Location:* On the North Fork of the Red River, in Greer County, Oklahoma. The project would utilize the U.S. Bureau of Reclamation's Altus Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, motions to intervene, and protests may be electronically filed via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*. Please include the project number (P–11985–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project using the U.S. Bureau of Reclamation's Altus Dam would consist of: (1) a proposed intake structure, (2) a proposed 400-foot-long, 120-inch-diameter steel penstock, (3) a proposed powerhouse containing two generating units having a total installed capacity of 4.6 MW, (4) a proposed 8-mile-long, 15-kV transmission line, and (5) appurtenant facilities.

The project would have an annual generation of 30.5 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the

competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15526 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions to Intervene, Protests, and Comments

June 14, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12002–000.

c. *Date filed:* April 26, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Hensley Dam Project.

f. *Location:* On the Fresno River, in Madera County, California. The project would utilize the existing U.S. Army Corps of Engineers Hensley Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments, motions to intervene, and protests may be electronically filed via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*. Please include the project number (P–12002–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would utilize the existing U.S. Army Corps of Engineers Hensley Dam and would consist of: (1) A proposed intake structure, (2) a proposed 300-foot-long, 96-inch-diameter steel penstock, (3) a proposed powerhouse containing one generating unit having a total installed capacity of 1.4 MW, (4) a proposed 17-mile-long, 15-kV transmission line, and (5) appurtenant facilities.

The project would have an annual generation of 6.2 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular

application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no late than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15527 Filed 6–19–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[PF–1029; FRL–6787–9]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1029, must be received on or before July 20, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1029 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Mike Mendelsohn, Biopesticides and Pollution Prevention Division, Registration Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8715; e-mail address: mendelsohn.mike@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' ''Regulation

and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number PF–1029. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1029 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1029. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 7, 2001.

Kathleen D. Knox,

Director, Biopesticides and Pollution Prevention Division.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Aventis CropSciences

PP 1F6308

EPA has received a pesticide petition [1F6308] from Aventis CropSciences, 2 TW Alexander Drive, Research Triangle Park, NC 27709, proposing pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of the plant-pesticide Cry9C and the genetic material necessary for its production in or on the raw commodity corn at 20 parts per billion (ppb).

Pursuant to section 408(d)(2)(A)(i) of the FFDCA, as amended, Aventis CropSciences has submitted the following summary of information, data, and arguments in support of their pesticide petition. This summary was prepared by Aventis CropSciences and

EPA has not fully evaluated the merits of the pesticide petition. The following summary is directly from the Aventis submission, and does not necessarily reflect the findings of the EPA.

A. Product Name and Proposed Use Practices

StarLink corn contained the insect control protein named Cry9C, which is derived from the common soil bacterium, *Bacillus thuringiensis* subsp. *tolworthi*. Aventis voluntarily canceled the registration for StarLink corn. However, StarLink corn grain grown in previous growing seasons and other corn containing Cry9C protein may continue to be used for animal feed or non-food industrial uses in accordance with the existing exemption from the requirement for a tolerance for these uses.

B. Product Identity/Chemistry

1. *Identity of the pesticide and corresponding residues*. The Cry9C gene was isolated from the *B.t. tolworthi* strain, truncated, and modified before it was stably inserted into corn plants. The tryptic core of the microbially produced Cry9C delta-endotoxin is similar to the Cry9C protein found in event CBH-351. The Cry9C protein was produced and purified from a bacterial host, for the purposes of mammalian toxicity studies.

2. *Magnitude of residue at the time of harvest and method used to determine the residue*. The proposed enforcement method for use on raw corn destined for dry milling is the EnviroLogix or Strategic Diagnostics Inc. Lateral Flow Strip Test, both of which have been validated by USDA GIPSA and Aventis. The limit of detection for these two test is 20 ppb Cry9C protein. The method must be used in accordance with the recommended sampling methods (FDA Recommendations for Sampling and Testing Yellow Corn and Dry-milled Yellow Corn Shipments Intended for Human Food Use for Cry9C Protein Residues, FDA-CFSAN, January 19, 2001).

C. Mammalian Toxicological Profile

Aventis has conducted an extensive array of toxicological testing including oral and intravenous administration, as well as acute and short-term exposure. EPA has reviewed these data and concluded that there is no toxicological endpoint of concern, with the possible exception of allergenicity.

The gene for the Cry9C protein comes from a non-allergenic common soil bacterium, *Bacillus thuringiensis*. The corn plant, into which the gene for the Cry9C protein was inserted, is rarely allergenic to humans. Expression of the gene for the Cry9C protein did not enhance the potential of corn to be allergenic, as demonstrated by the absence of any difference in reactivity to StarLink corn than to wild type non-transgenic corn in radioallergosorbent tests (RAST) performed with human sera from corn allergic patients (MRID Number 443844–05).

The Cry9C protein was not toxic upon single oral or repeated dietary administration to rats and has no linear amino acid sequence homology to any known human allergen or toxin (Oral LD_{50} > 3,760 mg/kg/day, MRID Number 442581–07; Acute intravenous LD_{50} > 0.3 mg/kg/day (MRID Numbers 447343–02); 30–day repeated dose toxicity test in rats: up to 328 mg/kg/day produced no adverse effects, no binding to villi or enterocytes lining gastrointestinal tract (GI) crypts of both large and small intestines, MRID Numbers 447343–03, 443844–04, and 442581–09). RAST tests performed with sera from individuals allergic to the well-known human food allergens, wheat; rice; buckwheat; soy; peanut; milk; eggs; and shrimp confirmed that even individuals with pre-existing food allergies demonstrated no cross-reactivity to Cry9C (MRID Number 452464–01). The level of the Cry9C protein in whole corn grain, 0.0129%, is a very low level of total protein expression in the plant compared to most allergens which are present at 1–40% of the total plant protein (MRID Number 450257–01).

The Cry9C protein is somewhat more stable than the other *Bt* Cry proteins already approved for food use. Cry9C does digest in simulated stomach fluids at pH of 1.2–1.5 within 30–60 minutes (within normal stomach emptying time) and does denature at temperatures likely to be encountered during cooking and processing (MRID Numbers 447343–05, 442581–08, 451144–01, 4451144–02). Although Aventis interprets these data to mean that Cry9C protein is not an allergen, regulatory officials have not been able to confirm this assessment.

D. Aggregate Exposure

Aventis developed an analytical method to determine Cry9C protein levels in intermediate and finished food products. Studies were conducted to assess the level of Cry9C protein typically found in 12 representative food products made from 100% StarLink corn. These studies demonstrate that there is significant reduction (80–99.9%) of Cry9C protein levels, relative to levels found in raw corn, during the manufacture of food products. Three processing factors are responsible for destruction of Cry9C protein: heat, shear or pressure, and alkali treatment.

1. *Dietary exposure*. Aventis has performed a new dietary risk assessment. Worst case estimates of potential dietary intake of Cry9C protein were calculated using Novigen Sciences, Inc., Food and Residue Evaluation Program (FARE) software, food consumption data in the 1994–1996 USDA's Continuing Survey of Food Intakes by Individuals (CSFII), and the new Aventis study on reduction in Cry9C protein levels resulting from food processing. In essence, dietary intake of Cry9C protein was calculated as the product of consumption of corn protein-containing foods and the expected concentration of Cry9C protein in such foods. Intakes were estimated on a ''per consumer'' basis for the overall U.S. population, children 1–6 years of age, children 7–12 years of age, the Hispanic population in the U.S., Hispanic children 1–6 years of age, and Hispanic children 7–12 years of age.

2. *Non-dietary exposure*. Since the Cy9C protein is expressed in plant tissues at very low levels, and since the StarLink product will no longer be used, exposure will be negligible to non-existent via all non-food routes.

E. Cumulative Exposure

Common modes of toxicity are not relevant to the consideration of the cumulative exposure to Cry9C protein.

F. Safety Determination

1. *U.S. population*. Dietary exposure will be the major route of exposure to the U.S. population. Estimated potential daily exposures for all subpopulations at the 99th percentile are below 0.37 microgram per day, the exposure for the general population. The U.S. population in general had the highest estimated daily intake of all subpopulations examined. This newly refined dietary intake estimate of the Cry9C protein is 67 times lower than the EPA's November 2000 upper bound estimate for the U.S. population (25 micrograms per day, 99th percentile), and 10 times below the highest estimate from the Aventis November 2000 estimate (3.9 micrograms per day for the Hispanic population, 99th percentile). Such exceedingly low levels of exposure, coupled with insufficient information to conclude whether or not Cry9C protein is actually a human food allergen, further support the SAP finding that the levels of Cry9C protein present in the human diet are insufficient to either sensitize or cause an allergic reaction. Therefore, the data support a finding of reasonable certainty of no harm and justify a tolerance at 20 ppb.

2. *Infants and children.* As with the rest of the population, the primary route of exposure is dietary. The dietary exposure assessment indicates that children have less exposure than the general U.S. population. Accordingly, there is no need to apply an additional safety factor for infants and children.

G. Effects on the Immune and Endocrine Systems

EPA's review of the submitted data concluded that there is no toxicological endpoint of concern, with the possible exception of allergenicity.

H. Existing Tolerances

On May 22, 1998, EPA established an exemption from the requirement of a tolerance for residues of Cry9C protein and the genetic material necessary for its production in corn for feed use only; as well as in meat, poultry, milk or eggs resulting from animals fed such feed. This exemption remains in effect.

I. International Tolerances

To date, no Codex, Canadian or Mexican tolerances exist for *Bt* subsp. *tolworthi* Cry9C protein in corn.

J. Conclusions

Aventis CropScience believes that this petition provides adequate grounds for the establishment of a tolerance of 20 ppb for residues of the insecticide, *Bt* subsp. *tolworthi* Cry9C protein in or on the raw agricultural commodity, corn.

[FR Doc. 01–15294 Filed 6–19–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1026; FRL–6785–9]

Notice of Filing Pesticide Petitions to Establish a Tolerance for Certain Pesticide Chemicals in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

DATES: Comments, identified by docket control number PF–1026, must be received on or before July 20, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1026 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Treva C. Alston, Registration Support Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8373; e-mail adress: alston.treva@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' ''Regulation and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number PF–1026. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1026 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file

format. All comments in electronic form must be identified by docket control number PF–1026. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 20, 2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

Petitioner summaries of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summaries of the petitions were prepared by the petitioner and represent the views of the petitioners. EPA is publishing the petition summaries verbatim without editing them in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Uniqema

PP 1E6293

EPA has received a pesticide petition (1E6293) from Uniqema, 900 Uniqema Blvd, New Castle, DE 19720 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for modified acrylic polymers when used as an inert ingredient in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, or in pesticide formulations applied to animals. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

Uniqema is petitioning that modified acrylic polymers be exempt from the requirement of a tolerance based upon their compliance with the low risk polymer criteria per 40 CFR 723.250. Therefore, an analytical method to determine residues in raw agricultural commodities has not been proposed. No residue chemistry data or environmental fate data are presented in the petition as the Agency does not generally require some or all of the listed studies to rule on the exemption from the requirement of a tolerance for a low risk polymer inert ingredient.

B. Toxicological Profile

The Agency has established a set of criteria which identifies categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. Uniqema believes that modified acrylic polymers conform to the definition of a polymer given in 40 CFR 723.250 and meet the criteria used to identify a low risk polymer. Uniqema also believes that based on these polymers, conformance to the above–mentioned criteria, no mammalian toxicity is anticipated from dietary, inhalation or dermal exposure to polymers and that these polymers will present minimal or no risk.

1. These polymers are not cationic polymers.
2. They contain as an integral part of their composition the atomic elements carbon, hydrogen, and oxygen.
3. They do not contain as an integral part of their composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(2)(ii).
4. These polymers are not designed or reasonably anticipated to substantially degrade, decompose, or depolymerize.
5. These polymers are not manufactured or imported from monomers and/or other reactants that are not already on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.
6. They are not water absorbing polymers.
7. The minimum average molecular weight of the above–mentioned polymers is greater than 1,000. Substances with molecular weights greater than 400 are generally not readily absorbed through the intact skin, and substances with molecular weights greater than 1,000 are generally not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through the GI tract are generally incapable of eliciting a toxic response. These polymers have an oligomer content less than 10% below

molecular weight 500 and less than 25% molecular weight 1,000.

Uniqema believes sufficient information was submitted in the petition to assess the hazards of modified acrylic polymers. No toxicology data were presented in the petition as the Agency does not generally require that polymers conform to 40 CFR 723.250. Based on these polymers conforming to the definition of a polymer and meeting the criteria of a low risk polymer under 40 CFR 723.250, Uniqema believes there are no concerns for risks associated with toxicity.

8. *Endocrine disrupter*. There is no evidence that modified acrylic polymers are endocrine disrupters. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the GI tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response.

The Agency at this time has not determined whether or not it will require information on the endocrine effects of this substance. Congress has allowed 3 years after August 3, 1996, for the Agency to implement a screening program with respect to endocrine effects.

C. Aggregate Exposure

1. *Dietary exposure*. Some modified acrylic polymers may be used in contact with food as components of containers used to manufacture, process, or store food when regulated for such use under the Federal Food, Drug, and Cosmetic Act. Modified acrylic polymers with a molecular weight greater than 1,000 daltons are not readily absorbed through the intact GI tract and are considered incapable of eliciting a toxic response.

2. *Non–dietary exposure*. Typical uses of modified acrylic polymers are in the paints & coatings and adhesives industries. In these uses the primary exposures are dermal, however; modified acrylic polymers with a molecular weight significantly greater than 400 are not readily absorbed through the intact skin and are considered incapable of eliciting a toxic response.

D. Cumulative Effects

There are data to support a conclusion of negligible cumulative risk for modified acrylic polymers. Polymers with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact GI tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response. Therefore, there is no reasonable expectation of increased risk due to cumulative exposure. Based on these polymers conforming to the definition of a polymer and meeting the criteria of a low risk polymer under 40 CFR 723.250, Uniqema believes there are no concerns for risks associated with cumulative effects.

Uniqema

PP 1E6294

EPA has received a pesticide petition (1E6294) from Uniqema, 900 Uniqema Blvd, New Castle, DE 19720 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for vinyl acetate polymers when used as an inert ingredient in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, or in pesticide formulations applied to animals. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

Uniqema is petitioning that vinyl acetate polymers be exempt from the requirement of a tolerance based upon their compliance with the low risk polymer criteria per 40 CFR 723.250. Therefore, an analytical method to determine residues in raw agricultural commodities has not been proposed. No residue chemistry data or environmental fate data are presented in the petition as the Agency does not generally require some or all of the listed studies to rule on the exemption from the requirement of a tolerance for a low risk polymer inert ingredient.

B. Toxicological Profile

Acute toxicity. The Agency has established a set of criteria which identifies categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. Uniqema believes that vinyl acetate polymers conform to the definition of a polymer given in 40 CFR 723.250 and meet the criteria used to identify a low risk polymer. Uniqema also believes that based on these polymers, conformance to the above–mentioned criteria, no mammalian toxicity is anticipated from dietary, inhalation or dermal exposure to polymers and that these polymers will present minimal or no risk.

1. These polymers are not cationic polymers.

2. They contain as an integral part of their composition the atomic elements carbon, hydrogen, and oxygen.

3. They do not contain as an integral part of their composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(2)(ii).

4. These polymer are not designed or reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. These polymers are not manufactured or imported from monomers and/or other reactants that are not already on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. They are not water absorbing polymers.

7. The minimum average molecular weight of the above–mentioned polymers are greater than 1,000. Substances with molecular weights greater than 400 are generally not readily absorbed through the intact skin, and substances with molecular weights greater than 1,000 are generally not absorbed through the intact GI tract. Chemicals not absorbed through the GI tract are generally incapable of eliciting a toxic response. These polymers have an oligomer content less than 10% below molecular weight 500 and less than 25% molecular weight 1,000.

Uniqema believes sufficient information was submitted in the petition to assess the hazards of vinyl acetate polymers. No toxicology data were presented in the petition as the Agency does not generally require that polymers conform to 40 CFR 723.250. Based on these polymers conforming to the definition of a polymer and meeting the criteria of a low risk polymer under 40 CFR 723.250, Uniqema believes there are no concerns for risks associated with toxicity.

There is no evidence that vinyl acetate polymers are endocrine disrupters. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact GI tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response.

The Agency at this time has not determined whether it will require information on the endocrine effects of this substance. Congress has allowed 3 years after August 3, 1996, for the Agency to implement a screening program with respect to endocrine effects.

C. Aggregate Exposure

1. *Dietary exposure*. Some vinyl acetate polymers may be used in contact with food as components of containers used to manufacture, process, or store food when regulated for such use under the Federal Food, Drug, and Cosmetic Act. Vinyl acetate polymers with a molecular weight greater than 1,000 daltons are not readily absorbed through the intact GI tract and are considered incapable of eliciting a toxic response.

2. *Non–dietary exposure*. Typical uses of vinyl acetate polymers are in the paints & coatings and adhesives industries. In these uses the primary exposures are dermal, however; vinyl acetate polymers with a molecular weight significantly greater than 400 are not readily absorbed through the intact skin and are considered incapable of eliciting a toxic response.

D. Cumulative Effects

There are data to support a conclusion of negligible cumulative risk for vinyl acetate polymers. Polymers with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact GI tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response. Therefore, there is no reasonable expectation of increased risk due to cumulative exposure. Based on these polymers conforming to the definition of a polymer and meeting the criteria of a low risk polymer under 40 CFR 723.250, Uniqema believes there are no concerns for risks associated with cumulative effects.

[FR Doc. 01–15296 Filed 6–19–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50888; FRL–6786–3]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits (EUPs) to the following pesticide applicants. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

In person or by telephone: Contact the designated person at the following address at the office location, telephone number, or e-mail address cited in each EUP: 1921 Jefferson Davis Hwy., Arlington, VA.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this action, consult the designated contact person listed for the individual EUP.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

II. EUPs

EPA has issued the following EUPs:

264–EUP–130. Issuance. Aventis CropScience USA LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. This EUP allows the use of 0.63 pounds of the herbicides foramsulfuron and iodosulfuron-methyl-sodium on 21 acres of field corn to evaluate the control of annual and perennial grass and broadleaf weeds. The program is authorized only in the States of Nebraska, Tennessee, and Texas. The EUP is effective from April 16, 2001 to April 17, 2002. This permit is issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Joanne I. Miller; Rm. 241, Crystal Mall #2; telephone number: (703) 305–6224; e-mail address: miller.joanne@epa.gov).

264–EUP–131. Issuance. Aventis CropScience USA LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. This EUP allows the use of 5.2 pounds of the herbicide foramsulfuron on 136 acres of field corn to evaluate the control of annual and perennial grass and broadleaf weeds. The program is authorized only in the States of Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. The EUP is effective from April 16, 2001 to April 17, 2002. This permit is issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Joanne I. Miller; Rm. 241, Crystal Mall #2; telephone number: (703) 305–6224; e-mail address: miller.joanne@epa.gov).

264–EUP–132. Issuance. Aventis CropScience USA LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. This EUP allows the use of 0.735 pounds of the herbicides foramsulfuron and iodosulfuron-methyl-sodium on 22 acres of field corn to evaluate the control of annual and perennial grass and broadleaf weeds. The program is authorized only in the States of Minnesota, Nebraska, South Dakota, Tennessee, and Texas. The EUP is effective from April 16, 2001 to April 17, 2002. This permit is issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Joanne I. Miller; Rm. 241, Crystal Mall #2; telephone number: (703) 305–6224; e-mail address: miller.joanne@epa.gov).

62719–EUP–49. Issuance. Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268. This EUP allows the use of 3 pounds of the herbicide diclosulam on 110 acres of peanuts to evaluate the control of broadleaf weeds and sedges in preplant incorporated, preemergence, and post pest emergence testing trials. The program is authorized only in the States of New Mexico and Texas. The EUP is effective from May 15, 2001 to March 31, 2002. A tolerance has been established for residues of the active ingredient in or on peanuts. (Dan Rosenblatt; Rm. 239, Crystal Mall #2; telephone number: (703) 305–5697; e-mail address: rosenblatt.dan@epa.gov).

Persons wishing to review these EUPs are referred to the designated contact person. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting

the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Experimental use permits.

Dated: May 31, 2001.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 01–15297 Filed 6–19–01; 8:45 am]

BILLING CODE 6560–50–S

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on June 21, 2001, from 9 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Kelly Mikel Williams, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes
—May 10, 2001 (Open and Closed)
B. Reports
—FCS Building Association's Quarterly Report
—Report on Corporate Approvals
C. New Business—Other
—FY 2001 Budget Reprogramming

Dated: June 18, 2001.

Kelly Mikel Williams,

Secretary, Farm Credit Administration Board.

[FR Doc. 01–15605 Filed 6–18–01; 2:20 pm]

BILLING CODE 6705–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE & TIME: Tuesday, June 26, 2001 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:
Compliance matters pursuant to 2 U.S.C. 437g
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration
Internal personnel rules and procedures or matters affecting a particular employee

DATE & TIME: Thursday, June 28, 2001 at 10 a.m.

PLACE: 999 E Street, N.W., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:
Correction and Approval of Minutes
Release for Public Comment of Voting Systems Standards Materials
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 01–15661 Filed 6–18–01; 2:45 pm]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011528–019.

Title: Japan-United States Eastbound Freight Conference.

Parties: American President Lines, Ltd., Hapag-Lloyd Container Line GmbH, Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., A.P. Moller-Maersk Sealand, Nippon Yusen Kaisha, Orient Overseas Container Line Limited, P&O Nedlloyd B.V., P&O Nedlloyd Limited, Wallenius Wilhelmsen Lines AS.

Synopsis: The proposed modification extends the current suspension of the conference for an additional six months from July 31, 2001, through January 31, 2002.

Agreement No.: 011769.

Title: Atlantsskip ehf/Samskip hf Space Charter Agreement.

Parties: Atlantsskip ehf, Samskip hf.

Synopsis: The proposed agreement authorizes Atlantsskip to provide Samskip with space on its vessels for sailings between Iceland and certain U.S. Atlantic coast ports. Samskip will provide Atlantsskip with certain agency, terminal, and distribution services in Norfolk, Virginia.

Agreement No.: 201065–001.

Title: New Orleans/New Orleans Maritime Contractors Terminal Agreement.

Parties: The Board of Commissioners of the Port of New Orleans New Orleans Maritime Contractors, Inc. d/b/a P&O Ports Louisiana.

Synopsis: The proposed amendment amends the term of the lease and updates the name of one of the parties. The basic term of the agreement will be extended through November 30, 2001.

Dated: June 15, 2001.

By Order of the Federal Maritime Commission.

Theodore A. Zook,

Assistant Secretary.

[FR Doc. 01–15538 Filed 6–19–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicant

CTX Express, Inc., 6122 Orangethorpe Avenue, Suite 105, Buena Park, CA

90620. Officers: Nancy Y. Shen, Secretary (Qualifying Individual), Su-Chung Kuo, President

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Central Global Express Inc., 12225 Stephens Road, Warren, MI 48089. Officers: Sam W. Frank, President (Qualifying Individual), Hal Briand, Vice President

Starwood, Inc., 1352 N.W., 78th Avenue, Miami, FL 33126. Officers: Gregory R. Antoni, CEO (Qualifying Individual), Paul Peake, President

Baska Logistics & Trading, Inc., 150 SE 2nd Avenue, Suite 1008, Miami, FL 33131. Officers: Jose M. Rivas, Officer (Qualifying Individual), Luiz Antonio Silva Ramos, President

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicant

Compass Shipping Inc., 325 Empire Blvd., Brooklyn, NY 11225. Officers: Hiladrius Borroughs, President (Qualifying Individual), Theresa Burroughs, Owner

Dated: June 15, 2001.

Theodore A. Zook,

Asst. Secretary.

[FR Doc. 01–15478 Filed 6–19–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
Transactions Granted Early Termination—5/14/2001			
20011659	SPX Corporation	United Dominion Industries Limited	United Dominion Industries Limited.
20011775	SONICblue Inc.	ReplayTV, Inc.	ReplayTV, Inc.
20011778	Eastman Kodak Company	Ofoto, Inc.	Ofoto, Inc.
20011782	Genzyme Corporation	Wyntek Diagnostics, Inc	Wyntek Diagnostics, Inc.
20011783	Alta Communications VI, L.P	Diveo Broadband Networks, Inc	Diveo Broadband Networks, Inc.
20011800	Pitney Bowes Inc.	Danka Business Systems, plc	Danka Services International.
Transactions Granted Early Termination—5/15/2001			
20011794	GTCR Fund VII, L.P.	Robert F. Driver Co., Inc.	Robert F. Driver Co., Inc
20011796	Bernard Arnault	Donna Karan International Inc	Donna Karan International Inc.
20011798	International Business Machines Corporation.	Mainspring, Inc.	Mainspring, Inc.
Transactions Granted Early Termination—5/18/2001			
20011769	Superior Energy Services, Inc	LAG IT 88 Trust	Power Offshore Service, L.L.C., Power Well Service No. 10, L.L.C., Power Well Service No. 11, L.L.C., Power Well Service No. 2, L.L.C., Power Well Service No. 4, L.L.C., Power Well Service No. 7, L.L.C., Power Well Service No. 8, L.L.C., Power Well Service No. 9, L.L.C., Power Well Service, L.L.C., Reeled Tubing, L.L.C., RTI/POS Service, L.L.C.
20011816	Tyco International Ltd.	FLAG Telecom Holdings Limited	FLAG Telecom Holdings Limited
Transactions Granted Early Termination—5/21/2001			
20011770	Smithfield Foods, Inc.	Moyer Packing Company	Moyer Packing Company.
20011788	Odyssey Investment Partners Fund, LP.	Federal-Mogul Corporation	Federal-Mogul Ignition Company.
20011792	Sydsvenska Kemi AB	Perstorp AB (a Swedish company)	Perstorp AB (a Swedish company)
20011795	Code, Hennessy & Simmons III, L.P	The United Company	The Roof Center, Inc., West End Lumber Company, Inc.
20011806	Motorola, Inc.	Blue Wave Systems, Inc	Blue Wave Systems, Inc.
20011808	Arch Capital Group, Ltd.	The Trident Partnership, L.P	Altus Holdings, Ltd.
20011812	Forstmann Little & Co., Equity Partnership—VI, L.P..	XO Communications, Inc	XO Communications, Inc.
20011814	Vereniging AEGON	J.C. Penney Company, Inc	J.C. Penney Direct Marketing Services, Inc.
20011818	Compaq Computer Corporation	Proxicom, Inc.	Proxicom, Inc.
20011819	Kana Communications, Inc	Broadbase Software, Inc	Broadbase Software, Inc.

Trans #	Acquiring	Acquired	Entities
20011820	Alec E. Gores	Micron Technology, Inc.	Micron Technology, Inc.
20011825	Wells Fargo & Company	H.D. Vest, Inc.	H.D. Vest, Inc.
20011826	Mr. Alec E. Gores	Hewlett-Packard Company	VeriFone, Inc.
20011827	Arthur J. Gallagher & Co	The Galtney Group, Inc.	The Galtney Group, Inc.
20011830	Siemens AG	Catamaran Communications, Inc	Catamaran Communications, Inc.
20011835	Swiss Reinsurance Company	Southwestern Life Holdings, Inc	Southwestern Life Holdings, Inc.
20011843	Old Mutual plc	The St. Paul Companies, Inc	Fidelity and Guaranty Life Insurance Company.
20011844	Lincolnshire Equity Fund II, L.P	Robert Nederlander	All American Sports Corp., Equilink Licensing Corp., MacMark Corp., McGregor Corp., Proacq Corp., RHC Licensing Corporation, Riddell Sports Inc., Riddell, Inc., Ridmark Corp.
Transactions Granted Early Termination—5/22/2001			
20011767	Carla S.A.S.	Akzo Nobel N.V.	Advanced Business Laboratories, Inc., Akzo Nobel N.V.
20011787	Akzo Nobel NV	Covance Inc.	Covance Biotechnology Services, Inc.
Transactions Granted Early Termination—5/24/2001			
20011803	Micrel, Incorporated	Kendin Communications, Inc.	Kendin Communications, Inc
Transactions Granted Early Termination—5/25/2001			
20011815	Glencore Holding AG	Alcan, Inc.	Alcan, Inc.
20011823	SunGard Data Systems, Inc	Neil S. Hirsch	Loanet Holdings, Inc.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–15551 Filed 6–19–01; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 002 3312]

Robert C. Spencer & Lisa M. Spencer, d/b/a Aaron Company; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 16, 2001.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: James Rohrer, Federal Trade Commission, Southeast Region, Midrise Bldg., Suite 5M35, 60 Forsyth St., S.W., Atlanta, GA 30303.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 14, 2001), on the World Wide Web, at ''http://www.ftc.gov/os/2001/06/index.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159,600 Pennsylvania. Ave., NW., Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from Robert M. Spencer and Lisa Spencer, d/b/a/ Aaron Company (''proposed respondents''). Proposed respondents marketed ''Colloidal Silver,'' a dietary supplement allegedly containing submicroscopic particles of silver that was intended to be taken orally for the cure and treatment of more than 650 diseases. In addition, proposed respondents marketed other dietary supplements, including Chitosan with vitamin C for substantial weight loss without a restricted calorie diet, and Ultimate Energizer as a stimulant and energizer claiming it was safe with no side effects.

The proposed consent order has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

The Commission's complaint charges that proposed respondents made false claims that their Colloidal Silver product had been (1) medically proven to kill over 650 disease-causing organisms in the body; and (2) successfully used to treat all known infections. The Commission's complaint also charges that proposed respondents failed to have a reasonable basis for claims they made about the Colloidal Silver product's (1) efficacy in treating and curing cancer, multiple sclerosis, HIV/AIDS, and other specific illnesses; (2) superiority to antibiotics in healing and curing infections; (3) safety for human consumption without side effects; and (4) superiority in treating various medical and health problems in animals. Proposed respondents have also been charged with failing to have a reasonable basis for claims they made about the efficacy of their Chitosan with vitamin C product, the safety claims for their Ultimate Energizer product containing Mahuang, and other substances. Such claims, promoting dietary supplements, appeared on the website that proposed respondents produced or caused to be produced.

Part I of the consent order prohibits proposed respondents from misrepresenting, including by means of metatags, any claims that Colloidal Silver or any service, program, dietary supplement, food, drug, or device, has been medically proven to kill disease-causing organisms or any number of infections in the body. Part II of the order requires competent and reliable scientific evidence to substantiate representations that Colloidal Silver or any covered product (1) treats and cures cancer, multiple sclerosis, HIV/AIDS, and other specific illnesses; (2) is superior to antibiotics in healing and curing infections; (3) is safe for human consumption and has no side effects; (4) treats various medical and health problems in animals; and (5) enables consumers to lose substantial weight without the need for a restricted diet. Part III of the order prohibits proposed respondents from misrepresenting, including by means of metatags, the existence, contents or interpretation of any test, study, or research. Part V of the order requires that for any future advertisement of products containing ephedra or ephedrine, proposed respondents must include affirmative warnings concerning safety issues. This warning was developed after discussions with the Food and Drug Administration. FDA has announced that it intends to initiate a rulemaking for dietary supplements for women who are or who may become pregnant. In the event that FDA issues a final rule requiring a warning for pregnant women on dietary supplements, respondents may substitute that warning for the disclosure on that topic required under the proposed order. Part IV of the proposed order permits proposed respondents to make certain claims for drugs or dietary supplements, respectively, that are permitted in labeling under laws and/or regulations administered by the U.S. Food and Drug Administration.

The remainder of the proposed order contains standard requirements that proposed respondents maintain advertising and any materials relied upon as substantiation for any representation covered by substantiation requirements under the order; distribute copies of the order to certain company officials and employees; notify the Commission of any change in the business entity that may affect compliance obligations under the order; and file one or more reports detailing their compliance with the order. Part XII of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

This proposed order, if issued in final form, will resolve the claims alleged in the complaint against the named respondents. It is not the Commission's intent that acceptance of this consent agreement and issuance of a final decision and order will release any claims against any unnamed persons or entities associated with the conduct described in the complaint.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–15550 Filed 6–19–01; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 002 3226]

ForMor, Inc., et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 16, 2001.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Michael Bloom or Donald D'Amato, Federal Trade Commission, Northeast Region, One Bowling Green, Suite 318, New York, NY 10004. (212) 607–2801 or 607–2802.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 14, 2001), on the World Wide Web, at ''http://www.ftc.gov/os/2001/06/index.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will

be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from ForMor, Inc. (''ForMor''), a corporation, and Stan Goss, individually and as an officer of the corporation (''proposed respondents'').

The proposed consent order has been placed on the public record for thirty (30) days for the receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and comments received and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter involves proposed respondents' making of health-related advertising claims on the Internet and elsewhere for their St. John's Kava Kava (a dietary supplement that contains St. John's Wort), colloidal silver, and shark cartilage products. The proposed complaint alleges that proposed respondents violated sections 5 and 12 of the Federal Trade Commission Act by making deceptive claims for these products.

The proposed complaint alleges that proposed respondents made the unsubstantiated claim that ingestion of St. John's Kava Kava is effective in the treatment of HIV/AIDS, colds, syphilis, tuberculosis, dysentery, whooping cough, mania, hypochondria, fatigue, and hysteria. Further, the proposed complaint alleges that proposed respondents represented that ingestion of St. John's Kava Kava is effective in the treatment of HIV/AIDS, but deceptively failed to disclose the material fact that ingestion of St. John's Wort is not compatible with use of protease inhibitors and other drugs used in the treatment of HIV/AIDS. The proposed complaint also alleges that proposed respondents falsely represented that ingestion of St. John's Kava Kava has no serious drug interactions.

The proposed complaint further alleges that proposed respondents falsely claimed that ingestion of colloidal silver is proven effective in the treatment of over 650 infectious diseases, and that medical tests prove that ingestion of colloidal silver is safe and has no adverse side effects. In addition, the proposed complaint alleges that proposed respondents made the unsubstantiated claims that ingestion of colloidal silver is effective in the treatment of arthritis, blood poisoning, cancer, cholera, diphtheria, diabetes, dysentery, gonorrheal herpes, influenza, leprosy, lupus, malaria, meningitis, rheumatism, shingles, staph infections, strep infections, syphilis, tuberculosis, whooping cough, and yeast infections, and that a testimonial from a consumer appearing in the advertisement for proposed respondents' colloidal silver reflects the typical or ordinary experiences of persons with cancer who use the product.

Further, the proposed complaint alleges that proposed respondents made the following unsubstantiated claims regarding their shark cartilage products: Ingestion of shark cartilage is effective in the treatment of arthritis and other degenerative and inflammatory conditions; ingestion of shark cartilage is effective in the treatment of brain cancer; and a testimonial from a consumer appearing in the advertisement for proposed respondents' Ultimate II Shark Cartilage Concentrate reflects the typical or ordinary experience of persons with brain cancer who use the product. Finally, the proposed complaint alleges that proposed respondents falsely represented that scientific research establishes that ingestion of shark cartilage is effective in the treatment of arthritis and other degenerative and inflammatory conditions.

For purposes of the proposed order a ''covered product or service'' means any service, program, dietary supplement, food, drug, or device.

The proposed order defines ''St. John's Wort products'' as ForMor's St. John's Kava Kava or any covered product or service for which the term ''Hypericum Perforatum'' or ''St. John's Wort'' appears on the covered product or service label or in any advertising or promotion, and any covered product or service containing ''Hypericum Perforatum'' or ''St. John's Wort.''

Part I of the proposed consent order prohibits proposed respondents from representing that ingestion of a St. John's Wort product or any covered product or service is effective in the treatment of HIV/AIDS, colds, syphilis, tuberculosis, dysentery, whooping cough, mania, hypochondria, fatigue, or hysteria unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation. Part II of the proposed consent order prohibits proposed respondents from representing that ingestion of a St. John's Wort product has no serious drug interactions.

Part III provides that in any advertisement, promotional material, or product label for any St. John's Wort product, that contains any representation about the efficacy, performance, or safety of such product, and in any discussion, communicated via electronic mail or any telephone line, that contains any representation about the efficacy, performance, or safety of any St. John's Wort product, proposed respondents shall make, clearly and prominently, the following disclosure:

> **Warning:** St. John's Wort can have potentially dangerous interactions with some prescription drugs. Consult your physician before taking St. John's Wort if you are currently taking anticoagulants, oral contraceptives, anti-depressants, anti-seizure medications, drugs to treat HIV or prevent transplant rejection, or any other prescription drug. This product is not recommended for use if you are or could be pregnant unless a qualified health care provider tells you to use it. The product may not be safe for your developing baby.

unless respondents possess competent and reliable scientific evidence that such product produces no adverse drug interactions or side effects. This disclosure was developed after discussions with the Food and Drug Administration. FDA has announced that it intends to initiate a rulemaking for dietary supplements for women who are or who may become pregnant. In the event that FDA issues a final rule requiring a warning for pregnant women on dietary supplements, respondents may substitute that warning for the disclosure on that topic required under the proposed order. Part III specifies that the product label requirements of this Part shall not apply to products that are shipped to consumers or purchasers for resale less than thirty (30) days after the date of service of this order, and that with regard to products shipped after thirty (30) days of the date of service of this order, respondents may affix the disclosure clearly and prominently by sticker or other device on the labels of products manufactured prior to thirty (30) days after the service of this order.

The proposed order defines ''colloidal silver product'' as ForMor's colloidal silver or any covered product or service for which the term ''colloidal silver'' or ''silver salts'' appears on the covered product or service label or in any advertising or promotion, and any covered product or service containing ''colloidal silver'' or ''silver salts.'' In

connection with the advertising or sale of a colloidal silver product, Part IV prohibits proposed respondents from representing that ingestion of colloidal silver is proven effective in the treatment of disease or any number of diseases, or representing that medical studies demonstrate that ingestion of colloidal silver is safe or has no adverse side effects. Part V prohibits proposed respondents from representing that ingestion of colloidal silver is effective in the treatment of arthritis, blood poisoning, cancer, cholera, diptheria, diabetes, dysentery, gonorrheal herpes, influenza, leprosy, lupus, malaria, meningitis, rheumatism, shingles, staph infections, strep infections, syphilis, tuberculosis, whooping cough, or yeast infections unless, at the time the representation is made, proposed respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

The proposed order defines ''shark cartilage product'' as ForMor's Ultimate II Shark Cartilage Concentrate or any covered product or service label for which the term ''shark cartilage'' appears on the covered product or service label or any advertising or promotion, and any covered product or service containing ''shark cartilage.'' Part VI requires proposed respondents, in connection with the advertising or sale of any shark cartilage product or any covered product or service, from representing that ingestion of such product is effective in the treatment of arthritis or other degenerative or inflammatory conditions, or is effective in the treatment of brain cancer, unless, at the time the representation is made, proposed respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Part VII prohibits proposed respondents, in connection with the advertising or sale of any covered product or service, from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research. Part VIII prohibits proposed respondents from representing that the experience represented by any user testimonial or endorsement of a covered product or service represents the typical or ordinary experience of members of the public who use the covered product or service, unless: (a) At the time the representation is made, proposed respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation; or (b) proposed respondents disclose, clearly and prominently, and in close proximity to the endorsement or testimonial, either what the generally expected results would be for users of the covered product or service, or the limited applicability of the endorser's experience to what consumers may generally expect to achieve, that is, that consumers should not expect to experience similar results.

Part IX provides that proposed respondents, in connection with the advertising or sale of any St. John's Wort product, colloidal silver product, shark cartilage product, or any covered product or service, shall not make any representation that such product or service is effective in the mitigation, treatment, prevention, or cure of any disease or illness, or about the health benefits, performance, safety, or efficacy of any such product or service, unless, at the time the representation is made, proposed respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Part X requires proposed respondents to send a notice to all purchasers of St. John's Kava Kava, colloidal silver, and Ultimate II Shark Cartilage Concentrate informing them of the Commission's complaint allegations and describing the terms of the settlement. Part XI requires proposed respondents to provide refunds upon request to purchasers of colloidal silver and Ultimate II Shark Cartilage Concentrate, and Part XII requires proposed respondents to submit a report specifying the steps they have taken to comply with Part X (purchaser notice provisions) and Part XI (purchaser refund provisions).

Part XIII requires proposed respondents to take reasonable steps to ensure that all employees and agents engaged in sales, order verification, and other customer service functions comply with Parts I through IX of the proposed order. It further requires proposed respondents to terminate any employee who knowingly engages in conduct that violates these parts of the order. Part XIV requires proposed respondents to send each purchaser for resale—defined as any purchaser of any of respondents' St. John's Wort, colloidal silver, or shark cartilage products who orders five or more units of any such product at any one time or twenty or more units of any such products in any three-month period—the purchaser notice provisions required by Part X. In the event that proposed respondents receive any information that subsequent to receipt of such notice a purchaser is using or disseminating any advertisement or promotional material or making any oral statement that contains any prohibited representation or that does not contain the disclosure required pursuant to Part III, proposed respondents are required to investigate such information and upon verification terminate, and not resume, sales or shipments to such purchaser for resale. Part XV would allow proposed respondents to make any representation that is specifically permitted in the labeling for any product by regulations promulgated by the FDA pursuant to the Nutrition Labeling and Education Act of 1990, and would allow respondents to make any representation for any drug that is permitted by the FDA in the drug's labeling.

Part XVI of the proposed order contains record keeping requirements for materials that substantiate, qualify, or contradict claims covered by the proposed order. Part XVII of the proposed order requires distribution of a copy of the order to current and future officers and agents. Part XVIII provides for Commission notification upon a change in the corporate respondent and Part XIX requires Commission notification when the proposed individual respondent changes his business or employment. Part XX requires the proposed respondents to file with the Commission a report demonstrating compliance with the terms and provisions of the order. Part XXI provides for the termination of the order after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and the proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–15547 Filed 6–19–01; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 012 3091]

Michael Forrest, d/b/a Jaguar Enterprises of Santa Ana; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment

describes both the allegations in the complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 16, 2001.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Michael Milgrom, Federal Trade Commission, East Central Region, Eaton Center, Suite 200, 1111 Superior Ave., Cleveland, OH 44114–2507. (216) 263–3419.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 14, 2001), on the World Wide Web, at ''http://www.ftc.gov/os/2001/06/index.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from Michael Forrest, individually and d/b/a Jaguar Enterprises of Santa Ana (''Forrest'' or the ''proposed respondent''). Forrest is an Internet seller of various electronic devices and herbal remedies purported to cure or treat a wide variety of illnesses and conditions.

The proposed consent order has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns advertising and promotional practices related to the sale of various products known as Black Box, Magnetic Pulser, Magnetic Multi-Pulser, Beck-Rife unit, Portable Rife Frequency Generator, PC-Rife#1, PC-Rife#2, PC-Rife#3, and Miracle Herbs. Miracle Herbs is a combination of herbal ingredients purported to cure cancer and other serious diseases. The other products are devices that purport to cure cancer, AIDS, arthritis and other serious diseases by means of passing either an electric current or a magnetic pulse through the body. The Commission's complaint charges that Forrest failed to have a reasonable basis for the following claims, which were made on two Internet websites:

(1) The Black Box is effective in treating cancer, AIDS, hepatitis, Gulf War Syndrome, Chronic Fatigue Syndrome and rheumatoid arthritis;

(2) The Magnetic Pulser, together with the Black Box, is effective in treating cancer, AIDS, hepatitis, Gulf War Syndrome, Chronic Fatigue Syndrome and rheumatoid arthritis;

(3) The Magnetic Multi-Pulser is effective in treating cancer, localized infections and diseases caused by the herpes virus;

(4) The Beck-Rife unit, Portable Rife Frequency Generator, PC-Rife #1, PC-Rife #2, and PC-Rife #3 are effective in treating cancer and other serious diseases;

(5) The Black Box, Magnetic Pulser and Magnetic Multi-Pulser, used as directed, deactivate disease-causing viruses, bacteria (including drug-resistant bacteria), fungi and other parasites in humans; and

(6) The Miracle herbs product is effective in treating cancers of all types, AIDS, bacterial infections and viral infections.

The Complaint also alleges that Forrest claimed that scientific proof demonstrated the truth of two claims: (1) That Miracle Herbs is safe and effective in treating various cancers in humans with no side effects; and, (2) that use of the Black Box, Magnetic Pulser and Magnetic Multi-Pulser is effective to kill, deactivate or disable viruses, bacteria, fungi and other parasites in humans. The Complaint alleges that these claims of scientific proof are false.

Part I of the consent order requires that Forrest not misrepresent that the two claims listed above are scientifically proven.

Part II requires that Forrest must possess competent and reliable scientific evidence to substantiate any representation that:

(a) Any electronic therapy device or any other product or service is effective in (1) treating or curing cancer, AIDS, hepatitis, Gulf War Syndrome, Chronic Fatigue Syndrome, rheumatoid arthritis or Herpes; (2) treating or preventing bacterial infections; or (3) treating or preventing viral infections;

(b) That any such product or service is effective in the mitigation, treatment, prevention, or cure of any disease or illness; or

(c) About the health benefits, performance, safety, or efficacy of any such product or service.

Part III prohibits false claims about scientific support for any electronic therapy device or any service, program, dietary supplement, food, drug, or device. Part IV permits Forrest to make certain claims for devices, drugs or dietary supplements that are permitted in labeling under laws and/or regulations administered by the U.S. Food and Drug Administration. Parts V and VI require Forrest to offer and make a refund to all purchasers of the listed products from Jaguar since April 1, 1999, using the forms and procedures specified. Part VII requires Forrest to file a report with the Commission detailing how he has complied with Parts V and VI.

The remainder of the proposed order contains standard requirements that proposed respondent maintain advertising and any materials relied upon as substantiation for any representation covered by substantiation requirements under the order; distribute copies of the order to certain company officials and employees; distribute copies of the order to any distributors that it might set up; notify the Commission of any change in his status that may affect compliance obligations under the order; and file one or more reports detailing his compliance with the order. Part XIV of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

This proposed order, if issued in final form, will resolve the claims alleged in the complaint against the named respondent. it is not the Commission's intent that acceptance of this consent agreement and issuance of a final decision and order will release any claims against any unnamed persons or entities associated with the conduct described in the complaint. The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed to order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–15549 Filed 6–19–01; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 002 3098]

MaxCell BioScience, Inc., et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint that accompanies the consent agreement and terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 16, 2001.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Matthew Daynard, FTC/S–4002, 600 Pennsylvania Ave., NW., Washington, DC 20580. (202) 326–3291.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 FR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with an accepted by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 14, 2001), on the World Wide Web, at ''http://www.ftc.gov/os/2001/06/index.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Two paper copies of each comments should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from MaxCell BioScience, Inc. and Stephen Cherniske, president of the corporation (collectively, ''MaxCell'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves alleged misleading representations about Longevity Signal Formula (''LSF''), a dietary supplement containing, among other ingredients, arginine, DHEA, and 7-Keto DHEA, and an Anabolic/Catabolic Index™ (''ACI'') test, an at-home (with laboratory analysis) urine test that measures the ratio of 17-ketosteroids to creatinine in one urine sample. This matter concerns allegedly false and unsubstantiated advertising claims made in cassette tapes and web sites distributed directly to consumers and through distributors regarding the ability of LSF to reverse the aging process and, consequently, to prevent, treat, or cure numerous age-related diseases and conditions, and the ability of the ACI test to measure a person's overall healthiness and youthfulness and to prove the effectiveness of LSF for reversing aging.

According to the FTC complaint, MaxCell falsely claimed that the ACI test provides a clinical gauge of an individual's overall healthiness or youthfulness and demonstrates that LSF prevents or reverses aging. In fact, the complaint alleges that the ACI test only measures inactive androgen breakdown products in the urine, which products, in most instances, are not a significant or reliable measure of overall healthiness or youthfulness. The complaint further alleges that MaxCell falsely claimed that scientific testing demonstrates the ability of LSF to: Significantly reduce the risk of atherosclerosis; increase bone density, improve glucose tolerance, reduce body fat, increase muscle mass, and increase growth hormone levels in post-menopausal women; improve liver function; and significantly increase life expectancy.

In addition, the complaint challenges claims that LSF: Significantly reduces the risk of atherosclerosis; cures arthritis; lowers blood pressure; significantly lowers cholesterol levels in the bloodstream; strengthens bones; reduces or eliminates the need for corrective eyewear; promotes significant weight loss and muscle gain without dieting or exercise; increases glucose tolerance; increases Growth Hormone levels in the body, thereby causing positive clinical effects on health; improves liver function; prevents or reverses aging; and significantly increases life expectancy. The complaint alleges that these claims are unsubstantiated.

Finally, the complaint charges that MaxCell, by providing advertisements and promotional materials to distributors for use in their marketing and sale of LSF and the ACI test, have provided means and instrumentalities to distributors of MaxCell's products in furtherance of the deceptive and misleading acts or practices alleged in the complaint.

The proposed consent order contains provisions designed to prevent MaxCell and its distributors from engaging in similar acts and practices in the future and to redress consumer injury by requiring MaxCell to make a monetary payment to the Commission.

Part I of the order bans claims that the ACI Test or any other substantially similar device provides a clinical gauge of an individual's overall healthiness or youthfulness. ''Substantially similar device'' is defined as any product that measures the ratio of 17-ketosteroids to creatinine in one urine sample.

Part II of the order requires that future claims that any test or device provides a clinical gauge of an individual's overall healthiness or youthfulness be true and substantiated by competent and reliable scientific evidence.

Part III of the order requires competent and reliable scientific evidence as substantiation for future claims that LSF or any other food, drug, device, service, or dietary supplement provides any of the specific health benefits challenged above as unsubstantiated. In addition, Part III. L requires scientific substantiation for any future claim about the effect of covered products or services on any disease, on the structure or function of the human body, or about any other health benefit, or the safety, of any covered product or service.

Part IV of the order prohibits MaxCell from providing to any person or entity ''means and instrumentalities'' that contain any claim about the effect of any product or service on any disease, or about the effect of any product or service on the structure or function of the human body, or about any other health benefit, or the safety, of any product or service, unless such claim is true and substantiated by competent and reliable scientific evidence. ''Means and instrumentalities'' is defined as any information, including but not necessarily limited to any advertising, labeling, or promotional materials, for use by distributors in their marketing or sale of the ACI test or LSF or any other product or service covered under the order.

Part V of the order prohibits MaxCell from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

Part VI of the order requires dissemination of a notice (''Attachment A'') about the order to MaxCell's distributors who have purchased the ACI Test or LSF since January 1, 2000. This notice indicates that MaxCell has agreed to cease making challenged representations, and warns distributors that they may be terminated if they do not conform their representations to the requirements placed on MaxCell.

Part VII of the order requires dissemination of Attachment A to future distributors, and that MaxCell monitor their distributors, and terminate sales to distributors who make representations prohibited by the order.

Part VIII of the order permits FDA-approved drug claims and claims for food or dietary supplements authorized under the Nutrition Labeling and Education Act of 1990.

Part IX of the order requires that MaxCell make a payment of $150,000 to the Commission, which funds the FTC can forward to the U.S. Treasury as disgorgement or use for purposes of consumer redress.

Parts X, XI, XII, and XIV of the order require MaxCell to keep copies of relevant advertisements and materials substantiating claims made in the advertisements, to provide copies of the order to certain of its personnel, to notify the Commission of changes in corporate structure, and to file compliance reports with the Commission. Part XIII requires Stephen Cherniske to notify the Commission of his employment status, and Part XV provides that the order will terminate after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–15548 Filed 6–19–01; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 002 3229]

Panda Herbal International, Inc., et al.; Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 16, 2001.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Michael Bloom or Donald D'Amato, Federal Trade Commission, Northeast Region, One Bowling Green, Suite 318, New York, NY 10004. (212) 607–2801 or 607–2802.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 14, 2001), on the World Wide Web, at ''http://www.ftc.gov/os/2001/06/index.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from Panda Herbal International, Inc. (''Panda''), a corporation, and Everett L. Farr III, individually and as an officer of the corporation (''proposed respondents'').

The proposed consent order has been placed on the public record for thirty (30) days for the receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and comments received and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter involves proposed respondents' making of health-related advertising claims on the Internet and elsewhere for their Herbal Outlook (a dietary supplement that contains St.

John's Wort) and HerbVeil 8 (a topical ointment) products. The proposed compliant alleges that proposed respondents violated Sections 5 and 12 of the Federal Trade Commission Act by making deceptive claims for these products.

The proposed complaint alleges that respondents' claims that ingestion of Herbal Outlook is effective in the treatment of HIV/AIDS, herpes simplex, tuberculosis, influenza, and hepatitis B infections are unsubstantiated. Further, the proposed complaint alleges that responents deceptively fail to disclose significant adverse drug interactions in light of respondents' implied drug compatibility claim (''ingestion of St. John's Wort, an ingredient in Herbal Outlook, is effective in the treatment of HIV/AIDS''). The proposed complaint also alleges that respondents' claim that ingestion of St. John's Wort, an ingredient in Herbal Outlook, has no known contraindications or drug interactions is false because there is substantial information available documenting significant adverse drug interactions. In addition, the proposed complaint alleges that respondents' HerbVeil 8 claims that topical application of HerbVeil 8 is effective in the treatment of carcinomas, adenocarcinomas, and melanomas are unsubstantiated.

For purposes of the proposed order, a ''covered product or service'' means any service, program, dietary supplement, food, drug, or device.

The proposed order defines ''Herbal Outlook product'' as respondents' Herbal Outlook or any other covered product or service for which the term ''Hypericum Perforatum'' or ''St. John's Wort'' appears on the covered product or service label or in any advertising or promotion, and any covered product or service containing ''Hypericum Perforatum'' or ''St. John's Wort.''

Part I of the proposed consent order prohibits proposed respondents from representing that ingestion of any Herbal Outlook product or any covered product or service is effective in the treatment of HIV/AIDS, herpes simplex, tuberculosis, influenza, or hepatitis B infections, unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

The proposed order defines ''HerbVeil 8 product'' as respondents' HerbVeil 8 or any covered product or service for which the term ''HerbVeil 8'' appears on the product label or in any advertising or promotion, any covered product or service containing ''HerbVeil 8,'' and any covered product or service promoted for the topical treatment of any cancer. Part II of the proposed consent order prohibits proposed respondents from representing that application of any HerbVeil 8 product, or any covered product or service, is effective in the treatment of any cancer unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation. Part III of the proposed consent order prohibits proposed respondents from representing that ingestion of any Herbal Outlook product has no known contraindications or drug interactions.

Part IV provides that in any advertisement, promotional material, or product label for any Herbal Outlook product, that contains any representation about the efficacy, performance, or safety of such product, and in any discussion, communicated via electronic mail or any telephone line, that contains any representation about the efficacy, performance, or safety of any Herbal Outlook product, proposed respondents shall make clearly and prominently, the following disclosure:

> **Warning:** St. John's Wort can have potentially dangerous interactions with some prescription drugs. Consult your physician before taking St. John's Wort if you are currently taking anticoagulants, oral contraceptives, anti-depressants, anti-seizure medications, drugs to treat HIV or prevent transplant rejection, or any other prescription drug. This product is not recommended for use if you are or could be pregnant unless a qualified health care provider tells you to use it. The product may not be safe for your developing baby.

unless respondents possess competent and reliable scientific evidence that such product produces no adverse drug interactions or side effects. This disclosure was developed after discussions with the Food and Drug Administration. FDA has announced that it intends to initiate a rulemaking for dietary supplements for women who are or who may become pregnant. In the event that FDA issues a final rule requiring a warning for pregnant women on dietary supplements, respondents may substitute that warning for the disclosure on that topic required under the proposed order. Part IV specifies that the product label requirements of this Part shall not apply to products that are shipped to consumers or purchasers for resale less than thirty (30) days after the date of service of this order, and that with regard to products shipped after thirty (30) days of the date of service of this order, respondents may affix the disclosure clearly and prominently by sticker or other device on the labels of products manufactured prior to thirty (30) days after the service of this order.

Part V provides that proposed respondents, in connection with the advertising or sale of any Herbal Outlook product, HerbVeil 8 product, or any covered product or service, shall not make any representation that such product or service is effective in the mitigation, treatment, prevention, or cure of any disease or illness, or about the health benefits, performance, safety, or efficacy of any such product or service, unless, at the time the representation is made, proposed respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

The proposed order defines ''purchaser for resale'' as any purchaser of any proposed respondents' Herbal Outlook product or HerbVeil 8 product, who: (a) Is a distributor of, or operates a wholesale or retail business that sells, any such product(s); or (b) orders twenty (20) or more units of any such products(s) in any three (3) month period. Parts VI A and VI B of the proposed consent order require proposed respondents to deliver to the Commission lists containing information regarding purchasers for resale and consumers of Herbal Outlook, respectively. Parts VI C and VI D require proposed respondents to deliver to the Commission lists containing information regarding purchasers for resale and consumers of HerbVeil 8, respectively. Parts VI E and VI F require proposed respondents to send a notice to all purchasers of Herbal Outlook and HerbVeil 8 informing them of the Commission's complaint allegations and the terms of the settlement. Part VII of the proposed order requires proposed respondents to provide refunds upon request to consumer purchasers of HerbVeil 8. Part VIII requires proposed respondents to submit a report specifying the steps it has taken to comply with Part VI (notice provisions) and Part VII (refund provision).

Part IX requires proposed respondents to take reasonable steps to monitor and ensure that all employees and agents engaged in sales, order verification, and other customer service functions comply with Parts I through V of the order and requires proposed respondents to terminate any employee who knowingly engages in conduct that violates these parts of the order. Part X A requires proposed respondents to send each purchaser for resale for a period of five years following entry of the order, the notice provisions required by Part VI E (to the extent such

purchasers for resale have not already received such notice pursuant to Part VI E). Part X B requires proposed respondents to institute a purchaser for resale order compliance surveillance program and Part X C states that proposed respondents must terminate sales to those purchasers for resale they know or should know are violating Parts I through V of the proposed order. Part XI would allow proposed respondents to make any representation for any drug that is permitted by the FDA in the drug's labeling, and would allow proposed respondents to make any representation that is specifically permitted in the labeling for any product by regulations promulgated by the FDA pursuant to the Nutrition Labeling and Education Act of 1990.

Part XII of the proposed order contains record keeping requirements for materials that substantiate, qualify or contradict claims covered by the proposed order. Part XIII of the proposed order requires distribution of a copy of the order to current and future officers, employees, and agents. Part XIV provides for Commission notification upon a change in the proposed corporate respondent and Part XV requires Commission notification when the proposed individual respondent changes his business or employment. Part XVI requires the proposed respondents to file with the Commission a report demonstrating compliance with the terms and provisions of the order. Part XVII provides for the termination of the order after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate the public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and the proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–15546 Filed 6–19–01; 8:45am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01106]

Addressing Asthma From a Public Health Perspective; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program for ''Addressing Asthma from a Public Health Perspective.'' This program addresses the ''Healthy People 2010'' focus areas Environmental Health, Respiratory Diseases and Occupational Safety and Health.

The purpose of the program is: Part A: Developing State Capacity to Address Asthma and Part B: Implementation of State Asthma Plans.

This funding is not to be used for any type of research.

B. Eligible Applicants

Assistance will be provided only to health departments of States or their bona fide agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and federally recognized Indian tribal governments.

In consultation with States, and with the written concurrence of the State, assistance may be provided to political subdivisions of States.

Part A: Eligible applicants are those entities listed above that do not have a finalized comprehensive asthma plan or a well developed asthma surveillance system. Grantees currently funded by CDC Announcement #99109 (Attachment 1) are not eligible to apply.

Part B: Eligible applicants are those entities listed above that have a completed comprehensive asthma plan and have an operational surveillance system for asthma. Grantees currently funded by CDC Announcement #99109 are eligible to apply. However, if awarded funds under Part B of this announcement, applicant will lose funds under Announcement #99109.

An eligible applicant may apply for both Part A and Part B; however, only one award per applicant will be made. To apply for both parts of this announcement, applicants must submit separate applications for Part A and Part B.

Note: Title 2 of the United States Code, Chapter 26, Section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $3,600,000 is available in FY 2001 to fund awards under this announcement. Funding estimates may change.

Part A: Developing State Capacity to Address Asthma. Approximately $2,000,000 is available to fund approximately 7–12 awards. It is expected that the average award will be $200,000. Additionally, $100,000 is available to increase Part A awards up to $10,000 each, if an occupational component is included in the application and is favorably reviewed.

Part B: Implementation of State Asthma Plans. Approximately $1,500,000 is available to fund approximately 2–4 awards. It is expected that the average award will be $700,000.

It is expected that the awards will begin on or about September 30, 2001 and will be made for a 12-month budget period within a project period of up to 3 years for Part A and 5 years for Part B.

Continuation awards within the approved project periods will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Applicant should document assurance of ability of project staff to travel to Atlanta to participate in the CDC National Asthma Conference and/or grantee meetings and willingness to share innovations, information, data and materials.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

Part A. Developing State Capacity to Address Asthma

1. Recipient Activities:

a. Develop or finalize a comprehensive State asthma plan.

b. Develop and organize collaborative linkages with appropriate agencies and organizations.

c. Implement a new (or enhance an existing) asthma surveillance system.

d. Begin the statewide intervention program upon completion of the plan.

e. Evaluate all activities ongoing and document lessons learned at the end of the project.

Part B. Implementation of State Asthma Plans

a. Maintain existing statewide coalition and partnership activities to oversee implementation and evaluation of the plan. Expand partnership activities as appropriate.

b. Maintain existing asthma-related activities currently underway in the health agency and expand as appropriate.

c. Implement defined aspects of the completed State/territorial/tribal asthma plan. Assure institutionalization of intervention activities.

d. Expand and continue existing surveillance efforts related to asthma occurrence, severity, management and other indicators in order to monitor the effectiveness of the intervention activities.

e. Evaluate each intervention activity and the program as a whole; document lessons learned.

2. CDC Activities for Parts A and B

a. Collaborate with the recipient in all stages of the project and coordinate joint activities among all grantees.

b. Provide programmatic technical assistance, as requested.

c . Convene meetings for grantees to share experiences, data, and materials.

E. Content

Letter of Intent (LOI)

A one-page, non-binding LOI is requested, and it should include:

1. Name and address of organization
2. Contact person
3. Which part of the announcement, Part A, Part B or both, applied for.

The LOI will be used to ascertain the level of interest in this announcement and to assist in determining the size and composition of the independent review panel.

Applications

Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 30 pages for Part A, or 40 pages for Part B, double-spaced, printed on one side, with one inch margins, and unreduced font. The application must be submitted unstapled and unbound.

Part A: Developing State Capacity to Address Asthma. Include each of the following sections:

1. Description of Problem

Describe what is known of the asthma problem in the State or jurisdiction and efforts, to date, to begin to systematically address the problem. Describe the barriers that need to be addressed in the development of a comprehensive asthma program in the State. Describe how the agency as a whole will focus its efforts on asthma. If the applicant seeks funds for the occupational asthma component, describe the plan and justify its need.

2. Collaborative Relationships

Describe experiences with collaborative relationships around asthma or with other chronic or environmentally related or work-related disease problems requiring extensive collaborative relationships both within and outside the agency.

Specifically define the approach to be used to establish or further develop these relationships. Documentation of partnerships with the clinical community is essential, including the applicant's plan for working with local health agencies, physician organizations and community health centers. In addition, applicants should document their plan to work with their State chapter of the American Lung Association, local education authorities, and groups or organizations that serve minority or other populations experiencing a disproportionate burden of asthma. If one or more of these partners will not be included, the applicant should explain why.

Letters of commitment from specific organizations, including a statement of their intention to collaborate, will considerably strengthen the application. Note that grant funds should be used to leverage asthma program development in the State/territory/tribe along with resources from other collaborative agencies and organizations.

3. Planning and Evaluating Processes

For those States/territories/tribes without an existing asthma plan, describe the process by which the plan will be developed. Include information about the agencies and organizations that will be included in the planning process. Include a description about how the collaborative relationship will be used when the agency has a plan in place and is ready to implement interventions. The plan must address all persons with asthma in the State regardless of age, race/ethnicity or gender. Include a discussion of the place of occupational and work-related asthma in the plan if funds are requested for that component.

If a State asthma plan already exists, describe the portion of the plan to be implemented with these grant funds.

Provide specific objectives for the proposed activities that are realistic, time-phased, and measurable and reflect the three-year period of this announcement. Describe how progress made toward meeting objectives will be evaluated and documented.

4. Surveillance System

The applicant should include a surveillance system plan containing: (a) A description of data currently available to the program; (b) the data the agency will obtain; (c) plans for identifying at-risk populations (e.g., ethnic groups, socio-economic groups, and/or geographic areas); (d) how the agency will use this data to develop ongoing surveillance; and (e) how the surveillance data will be used to support policy development, program planning and evaluation activities.

Participants funded under this announcement will be expected to use the Behavioral Risk Factor Surveillance System (BRFSS) supplemental asthma module at the first available opportunity, preferably within the first year of the project.

5. Management and Staffing Plan

Describe the qualifications and roles of the trained public health professionals to serve as: an asthma coordinator for the agency's program and to manage the planning process and conduct other programmatic activities; an epidemiologist, at least 0.5 FTE, to develop and implement surveillance activities for the asthma project; and a supervisor who will assure support for the project staff. Other support positions may also be proposed.

Include a plan to expedite filling of the staff position(s) and assure that they have been or will be approved by the applicant's personnel system. Where current staff already fill these roles and federal resources are not to be used for their support, information on the position and qualification of the person filling the position should be provided.

Describe the organizational location of the proposed staff, their relation to the State's ''asthma contact'' (the position in the agency currently responsible for contact with CDC on asthma issues), and the support within the organizational structure for the activities defined for the project staff. Include an organizational chart for the unit in which the activity will be located and, at a minimum, the next two levels above it.

For each position describe the primary roles and responsibilities for the project staff over the three-year grant period. Also, include the specific staff

activities that will contribute to meeting each objective.

6. Budget

This section must include a detailed first-year budget and narrative justification and future annual projections. The applicant should describe the program purpose for each budget item. For contracts contained within the application budget, applicants should name the contractor, if known; describe the services to be performed; justify the use of a third party; and provide a breakdown or a justification for the estimated costs of the contracts, the kinds of organizations or parties to be selected, the period of performance, and the method of selection. The budget should include travel for project staff to meet once per year with CDC and other grantees. Any requested funds for an occupational component must be presented separately, with the same level of detail, immediately following the main budget narrative justification.

Part B: Implementation of State Asthma Plans

Include each of the following sections:

1. Description of Problem

Describe what is known of the asthma problem in the State or jurisdiction. Include a description of populations at increased risk of poorly controlled asthma within the jurisdiction (e.g., ethnic groups, socio-economic groups, geographic areas). Attach published surveillance reports that describe asthma within the jurisdiction including a report on asthma in the Medicaid population.

2. Asthma Plan

Provide the existing asthma plan as an attachment. Describe how the asthma plan and the plan's implementation strategy were developed, including a list of the partners participating in the process (if not part of the published plan) and support for the final plan as demonstrated by a letter from the Agency's Health or Medical Director and from key partners (e.g., the Director of the State/territorial American Lung Association and key professional societies). Attach a copy of the final plan. The final plan (or attachments to that plan) must include: (a) an assessment of the asthma burden in the State/tribe/territory using population-based data; (b) measurable objectives that address people with asthma across the State/territory/tribe and include people with asthma of all ages, race/ethnic groups, and gender; (c) a description of how the plan's implementation would reach all persons with asthma in the State regardless of age, race/ethnicity, or gender, (d) proposed strategies to meet the plan's objectives, including, but not limited to, efforts to (d.1) expand surveillance for asthma, (d.2) improve provider compliance with the National Asthma Education and Prevention Program's ''Guidelines on the Diagnosis and Management of Asthma,'' (Guidelines for the Diagnosis and Management of Asthma. National Institutes of Health, National Heart, Lung, and Blood Institute. NIH Publication No. 97–4051, April 1997), (d.3) improve the skills of patients and families affected by asthma to manage the disease, and (d.4) evaluate the program's implementation and measure progress toward objectives; and (e) an assessment of existing and needed resources to implement these strategies.

3. Partnership Oversight

Describe how the partners who developed the asthma plan will continue to implement and monitor the intervention activity and modify the plan over time.

4. Surveillance and Evaluation

Describe the surveillance system currently in place within the health agency and its ability to support the evaluation of intervention activities and a continued planning process. All asthma indicators assessed over time should be noted (including, but not limited to, prevalence, mortality, hospitalization, emergency care and measures of disease management status), and a copy of all asthma surveillance reports, brochures, or publications should be provided. If available, analyses of Medicaid data on persons with asthma should be provided. Ability to provide measurement of progress in meeting all plan objectives should be addressed. Intentions to use BRFSS asthma module(s) and the frequency of use should be included; also, plans for further development of the asthma surveillance activity should be presented in detail. Surveillance of occupational asthma is encouraged and must be discussed.

5. Implementation of the Asthma Plan

a. Identify the specific objectives of the asthma plan that are to be focused upon and the specific intervention strategies from the plan to be implemented that will use the resources provided through this announcement. Interventions that change systems and individuals to provide improved disease management or education are preferred. Provide specific realistic, measurable, and time-phased process objectives for each of the strategies and interventions to be implemented that reflect the five year period of this announcement. Describe how both process and outcome objectives for all activities will be evaluated and documented.

b. Demonstrate the scientific basis for proposed interventions. If proposed interventions include case management programs, assure that patients enrolled are those with moderate to severe persistent asthma and are receiving care consistent with the National Asthma Education and Prevention Program (NAEPP) Clinical Practice Guidelines (Guidelines for the Diagnosis and Management of Asthma. National Institutes of Health, National Heart, Lung, and Blood Institute. NIH Publication No. 97–4051, April 1997). Explain how it was decided by members of the statewide partnership group that these particular objectives and strategies will be addressed.

c. Describe what objectives and strategies from the plan are currently being addressed utilizing other resources.

d. Demonstrate that the plan addresses asthma in persons of all ages, race/ethnic groups, and gender and includes key environments in which persons with asthma spend significant time (e.g., home, school, workplace). Include a discussion on the place of occupational asthma in the plan.

e. Explain how the resources from this solicitation will be utilized to leverage additional resources for implementation of other components of the plan. Explain how interventions will be institutionalized and sustained without these funds.

6. Management and Staffing for Intervention Activities

a. Describe existing asthma program staff within the health department and their management structure, the current function of the asthma staff, and their role in this project plan. If plan implementation will be coordinated from an office other than within the health department, describe that office and its staff, the oversight of that office and its staff, and the ties of that office to the health agency. Provide an organizational chart for the health agency that identifies the unit(s) in and out of the health agency that will participate in the proposed activities.

b. Describe asthma surveillance staff and their role within the project activities. Describe all staff who will be responsible for oversight of program evaluation.

c. If intervention activities will be implemented through contracts, define the process by which these contracts will be awarded and monitored.

d. Describe staff available or to be hired for those aspects of the plan to be implemented with these resources. For each position, describe the primary roles and responsibilities over the five-year grant period.

e. Include the specific staff activities that will contribute to meeting each objective that is to be addressed. Discuss the role of the statewide partnership group in oversight of intervention activities

f. Document assurance of ability of key project staff to travel to Atlanta to participate in the CDC National Asthma Conference and/or grantee meetings and willingness to share innovations, information, data and materials.

7. Budget

This section must include a detailed first-year budget and narrative justification and future annual projections. The applicant should describe the program purpose for each budget item. For contracts contained within the application budget, applicants should name the contractor, if known; describe the services to be performed; justify the use of a third party; and provide a breakdown or a justification for the estimated costs of the contracts, the kinds of organizations or parties to be selected, the period of performance, and the method of selection. The budget should include travel for key project staff to meet once per year with CDC and other grantees. This section should also include a listing of other funds, outside the cooperative agreement, that will be used to support this intervention.

F. Submission and Deadline

Letter of Intent (LOI)

On or before July 19, 2001, submit the LOI to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Submit the original and two copies of PHS 5161–1 (OMB Number 0920–0428). Forms are available in the application kit at the following Internet address: www.cdc.gov/od/pgo/forminfo.htm.

On or before August 17, 2001, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late: Applications which do not meet the criteria in 1. or 2. above will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

Part A: Developing State Capacity to Address Asthma

1. Description of the problem (10 points)

The extent to which the agency's commitment to addressing asthma is demonstrated by accomplishments to date in understanding the problem.

2. Collaborative Relationships (20 points)

The demonstration and description of prior successful collaborations to address asthma or other chronic or environmentally related or occupationally-related problems. The appropriateness of organizations and agencies identified. The level of commitment of key organizations as demonstrated by the content of the letters of commitment.

3. Planning and Evaluating Processes (35 points)

For those applicants without an existing asthma plan, the appropriateness of the planning and implementation process proposed. The extent to which objectives are consistent with the stated purpose of the announcement are measurable, time-phased and the ability of the applicant to meet the objectives according to the specified time table. The adequacy of the applicant's plan to monitor progress toward meeting the stated objectives.

4. Surveillance System Plan (15 points)

The extent to which the description of the surveillance system includes all elements outlined in the application content section and the quality and extent of submitted surveillance reports.

5. Management and Staffing Plan (20 points)

The extent to which the role of proposed staff is defined and the agency has identified adequate qualifications of and level of commitment for the proposed staff; and the level of organizational support available to the project staff.

6. Budget (not scored)

The extent to which the budget is reasonable, adequately justified and consistent with the intended use of the cooperative agreement funds.

Part B: Implementation of State Asthma Plans

1. Description of the Problem (5 points)

The extent to which the agency's commitment to addressing asthma is demonstrated by accomplishments to date in understanding the problem. The extent to which the agency has been able to identify populations at increased risk and effectively disseminate and use that information in the planning process.

2. Asthma Plan (20 points)

The extent to which a wide variety of appropriate partners were engaged to develop the plan; the commitment by the Agency to the implementation of this plan as demonstrated by the inclusion of a letter of support from the Secretary of Health or the Agency's Medical Director; the extent to which the intervention plan is supported in the community by the inclusion of letters of support from key members of the community; the extent to which the asthma plan is comprehensive and includes the items listed in the application section for this announcement.

3. Partnership Oversight (10 points)

The extent to which appropriate partners will be a part of the implementation and oversight of the implementation.

4. Surveillance and Evaluation (20 points)

The current state of the surveillance system; the quality of surveillance reports provided; the ability to provide measurement of progress in meeting all plan objectives; the plan for appropriate continued development of the asthma surveillance activity. The ability to support evaluation of implementation activities.

5. Implementation of the Asthma Plan (30 points)

Clear link between the plan and the proposed implementation; the appropriateness and scientific support for the proposed implementation; the involvement of statewide partners in development of the proposed

implementation and its monitoring over time; the use of these resources to leverage additional resources for plan implementation; the plans to institutionalize specific interventions; specific objectives that are realistic, measurable and time phased; clear definition of both process and outcome measures for the evaluation of implementation activities.

6. Management and Staffing for Intervention Activities (15 points)

The current functioning of asthma staff (program and surveillance) within the health agency; the description of staff to be hired or contracts to be developed; the link of staff to program objectives; the continued role of the statewide partnership group. Assurance that key personnel will attend scheduled grantee meetings and CDC-sponsored national asthma conferences, and that the applicant agrees to share innovations, information, data and materials.

7. Budget (Not scored)

The extent to which the budget is reasonable, adequately justified and consistent with the intended use of the cooperative agreement funds.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of

1. Annual progress reports;
2. financial status report, no more than 90 days after the end of the budget period; and
3. final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment 2 of the announcement in the application kit.

AR–7 Executive Order 12372 Review
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301 and 317 of the Public Health Service Act, [42 U.S.C. section 241 and 247b], as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where to Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address http://www.cdc.gov Click on ''Funding'' then ''Grants and Cooperative Agreements.''

To obtain business management technical assistance, contact: Sonia Rowell, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: (770) 488–2724, Email address: svp1@cdc.gov.

For program technical assistance, contact: Leslie P. Boss, Air Pollution and Respiratory Health Branch, National Center for Environmental Health, Centers for Disease Control and Prevention, Mailstop E–17, 1600 Clifton Rd., NE, Atlanta, GA 30333, Telephone number: (404) 498–1002, Email address: LBoss@cdc.gov.

Dated: June 14, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–15476 Filed 6–19–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0051]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Adverse Event Pilot Program for Medical Devices and Blood Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written or electronic comments on the collection of information by July 20, 2001.

ADDRESSES: Submit electronic comments on the collection of information via the Internet at http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Adverse Event Pilot Program for Medical Devices and Blood Products

Under section 519 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360i), FDA is authorized to require manufacturers to report medical device related deaths, serious injuries, and malfunctions and to require user facilities to report device-related deaths directly to FDA and to manufacturers, and to report serious injuries to the manufacturer. Section 213 of the FDA Modernization Act of 1997 (FDAMA) amended section 519(b) of the act relating to mandatory reporting by user facilities of deaths and serious injuries and serious illnesses associated with the use of medical devices. This amendment required FDA to, by regulation, replace universal user-facility reporting with a system that is limited to a '' * * * subset of user facilities that constitutes a representative profile of user reports'' for device-related deaths and serious injuries. This amendment is reflected in section 519(b)(5)(A) of the act.

FDA is the Federal agency charged with the responsibility for ensuring that marketed medical products are safe and effective. To carry out its responsibilities, the agency needs to be informed whenever an adverse event or product problem occurs. Only if FDA is provided with such information will it be able to evaluate the risk, if any, associated with the product and take whatever action is necessary to reduce or eliminate the public's exposure to this risk. Data collected from user facilities about problems with medical devices assist FDA to carry out that mission as it pertains to medical devices. Prior to implementing the regulation to change from universal user-facility reporting to reporting by a subset of user facilities, FDA is planning to conduct a pilot program to evaluate various aspects of the new program. The new user-facility program that will be

comprised of a subset of user facilities is called the Medical Product Surveillance Network (MedSuN). The 60-day **Federal Register** notice announced that two FDA Centers, the Center for Devices and Radiological Health (CDRH) and the Center for Biologics Evaluation and Research (CBER) would be participating in this project. However, CBER will no longer participate in this project; CDRH will be the sole participant. Data collected from the pilot will aid FDA in fulfilling its mission to monitor the safety and effectiveness of marketed medical devices as they are used in clinical settings and to determine what aspects of the pilot program should be implemented in the national program. The current FDA universal user-facility reporting system remains in place during the piloting of the new program, and will remain until FDA implements the new MedSuN national system by regulation.

An electronic format of the medical device related sections of the mandatory MedWATCH form (form 3500A; OMB Control number 0910–0291) will be accessible to the participating medical device user facilities. The facilities participating in the collection of medical device-related adverse events will use this electronic format in reporting to FDA. The electronic format will include some additional items that are not on the 3500A form. These will be voluntary for participants to complete, such as hospital profile information and several questions related to the use of medical devices.

Participation in this pilot will be voluntary and will initially include 25 hospitals that will respond to the medical device questions. It is anticipated that during this pilot the number of participants will increase to approximately 250 facilities reporting medical device problems. The electronic version will take approximately 45 minutes, or less, to complete.

In the **Federal Register** of February 8, 2001 (66 FR 9580), the agency requested comments on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

No. of Respondents	Annual Frequency perResponse	Total Annual Responses	Hoursper Response	Total Hours
Medical devices: 83	15	1,245	.75	934
Total				934

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The number of respondents for medical devices was determined by the average number of respondents given that 25 facilities will be enrolled in the first year, up to 100 the second year, and up to 250 the third year. Eighty-three is the average of the final complement of 250 facilities. The annual frequency of response is based on FDA's experience with its mandatory and voluntary reporting systems.

Dated: June 14, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–15440 Filed 6–19–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00P–1496]

Determination That Metformin Hydrochloride Tablets, 625 and 750 Milligrams Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that metformin hydrochloride (HCl) tablets (Glucophage), 625 and 750 milligrams (mg), were not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for metformin HCl 625- and 750-mg tablets.

FOR FURTHER INFORMATION CONTACT: Paul C. Varki, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20855, 301–594–2041.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (the 1984 amendments) (Public Law 98–417), which authorized the approval of duplicate versions of drug products approved under an ANDA procedure. ANDA sponsors must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved under a new drug application (NDA). Sponsors of ANDAs do not have to repeat the extensive clinical testing otherwise necessary to gain approval of an NDA. The only clinical data required in an ANDA are data to show that the drug that is the subject of the ANDA is bioequivalent to the listed drug.

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' generally known as the ''Orange Book.'' Under FDA regulations, drugs are withdrawn from the list if the agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162). Regulations also provide that the agency must make a determination as to whether a listed drug was withdrawn from sale for reasons of safety or effectiveness before an ANDA that refers to that listed drug may be approved (§ 314.161(a)(1) (21 CFR 314.161(a)(1))). FDA may not approve an ANDA that does not refer to a listed drug.

Metformin HCl 625- and 750-mg tablets are the subject of NDA 20–357. When first approved, the NDA provided for 500- and 850-mg tablets. On July 8, 1998, Bristol-Myers Squibb Co. submitted a supplemental NDA to market the 625-, 750-, and 1000-mg tablets. FDA approved this supplement on November 5, 1998. On November 11, 1998, Bristol-Myers Squibb notified FDA that it would not market the 750-mg strength tablet. The 625-mg strength tablet has not been marketed either.

On August 31, 2000, Lachman Consultant Services, Inc., submitted a citizen petition (Docket No. 00P–1496/

CP1) under 21 CFR 10.30 to FDA. The petition requested that the agency determine whether metformin HCl tablets, 625- and 750-mg were withdrawn from sale for reasons of safety or effectiveness.

FDA has reviewed its records and, under § 314.161, has determined that Bristol-Myers Squibb's decision not to market metformin HCl 625- and 750-mg tablets was not due to concerns about safety or effectiveness of the product. Accordingly, the agency will maintain metformin HCl 625- and 750-mg tablets in the ''Discontinued Drug Product List'' section of the Orange Book.

The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to metformin HCl 625- and 750-mg tablets may be approved by the agency.

Dated: June 12, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–15442 Filed 6–19–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Biological Response Modifiers Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Biological Response Modifiers Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 13, 2001, 8:30 a.m. to 4 p.m.

Location: Holiday Inn, Versailles Ballrooms I and II, 8120 Wisconsin Ave., Bethesda, MD.

Contact: Gail Dapolito or Rosanna L. Harvey (HFM–71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12389. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will meet to: (1) Discuss responses to the March 6, 2000, FDA gene therapy letter (http://www.fda.gov/cber/letters.htm) relating to adenovirus vector titer measurements and replication competent adenovirus levels reporting, and (2) hear updates on the NIH final action on serious adverse reporting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by July 6, 2001. Oral presentations from the public will be scheduled between approximately 11 a.m. and 12 noon. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before July 6, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 12, 2001.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 01–15443 Filed 6–19–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–1075]

Public Health Impact of Vibrio Parahaemolyticus in Raw Molluscan Shellfish; Draft Risk Assessment Document; Availability; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening until July 18, 2001, the comment period on its draft risk assessment on the relationship between *Vibrio parahaemolyticus* in raw molluscan shellfish and human health (66 FR 5517, January 19, 2001). Interested persons were initially given until March 20, 2001, with an extension to May 21, 2001 (66 FR 13546, March 6, 2001), to comment on the draft risk assessment. This reopening of the comment period is in response to a request from the National Fisheries Institute (NFI) on behalf of the Gulf Oyster Industry Council, the Pacific Coast Shellfish Growers Association, and the Molluscan Shellfish Institute. The agency does not anticipate further extensions of the comment period for this draft risk assessment.

DATES: Submit written comments by July 18, 2001.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Two copies of comments are to be submitted, except that individuals may submit one copy. Comments must be identified with the docket number found in brackets in the heading of this document. Received comments may be reviewed at the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Sherri B. Dennis, Risk Assessment Coordinator, Center for Food Safety and Applied Nutrition (HFS–32), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202–260–3984, FAX 202–260–9653, e-mail: sdennis@cfsan.fda.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 19, 2001 (66 FR 5517), FDA announced the availability of a draft risk assessment on the relationship between *Vibrio parahaemolyticus* in raw molluscan shellfish and human health. Comments were sought on the technical aspects of the draft risk assessment in the following areas: (1) The assumptions made, (2) the modeling technique, (3) the data used, and (4) the transparency of the draft risk assessment document. Interested persons were given until March 20, 2001, to comment on the draft risk assessment. In the **Federal Register** of March 6, 2001, FDA extended the comment period to May 21, 2001 (66 FR 13546), because a public meeting to receive comments on the document was scheduled for March 20, 2001 (March 6, 2001, 66 FR 13544), the same day the comment period closed. The NFI, on behalf of the Gulf Oyster Industry Council, the Pacific Coast Shellfish Growers Association, and the Molluscan Shellfish Institute, has requested a second extension of the comment period to allow additional time to review, analyze, and constructively respond to the draft risk assessment. The extended comment period closed on May 21, 2001. FDA, in response to the NFI request, is

reopening the comment period until July 18, 2001. The agency does not anticipate further extensions of the comment period for this draft risk assessment.

You must submit written comments to the Dockets Management Branch (address above) by July 18, 2001, in order for those comments to be considered.

A printed copy of the draft risk assessment and/or a CD–ROM of the risk assessment model may be requested by faxing your name and mailing address with the names of the documents you are requesting to the CFSAN Outreach and Information Center at 1–877–366–3322. The documents may be reviewed at the Dockets Management Branch at the address and hours noted above. The draft risk assessment is also available electronically at www.cfsan.fda.gov, www.foodsafety.gov, and www.foodriskclearinghouse.umd.edu.

Dated: June 12, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–15441 Filed 6–19–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–855]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* Medicare Federal Health Care Programs Provider/Supplier Enrollment Application; *Form No.:* HCFA–855 (OMB# 0938–0685); *Use:* This information is needed to enroll providers and suppliers into the Medicare program by identifying them, pricing and paying their claims, and verifying their qualifications and eligibility to participate in Medicare; *Frequency:* Initial enrollment/recertification and Every three years; *Affected Public:* Business or other for-profit, Individuals or Households, and Not-for-profit institutions; *Number of Respondents:* 1,300,000; *Total Annual Responses:* 604,000; *Total Annual Hours:* 1,302,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: May 29, 2001.

John P. Burke, III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–15449 Filed 6–19–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–0280]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Request: Extension of a currently approved collection; *Title of Information Collection:* Medigap Compare; *HCFA Form Number:* HCFA–R–0280 (OMB approval #: 0938–0767); *Use:* HCFA electronically collects plan-specific Medigap data, including but not limited to premiums charged and additional benefits offered, from each insurer offering Medigap plans and provides the data on www.medicare.gov to assist beneficiaries in obtaining accurate information on all their health care coverage options; *Frequency:* Annually, Semi-annually; *Affected Public:* Business or other for-profit, Federal Government, State, Local, or Tribal Government, Not-for-profit institutions; *Number of Respondents:* 300; *Total Annual Responses:* 450; *Total Annual Burden Hours:* 75.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: May 29, 2001.

John P. Burke, III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–15450 Filed 6–19–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–SP1]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medicaid Post-Eligibility Preprint and Supporting Regulations in 42 CFR 435.310; *Form No.:* HCFA–SP–0001 (OMB# 0938–0673); *Use:* The post-eligibility preprint is part of the comprehensive statement that a State submits to show that it is meeting the requirements for Federal funding of its Medicaid program. It comprises part of each State's Plan which outlines the mandatory and optional aspects of a State's Medicaid program. Accurate submission of this information is necessary in order for States to receive federal funding; *Frequency:* On occasion; *Affected Public:* State, local or tribal government; *Number of Respondents:* 13; *Total Annual Responses:* 5; *Total Annual Hours:* 15.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: May 29, 2001.

John P. Burke, III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–15451 Filed 6–19–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Proposed Collection; Comment Request; The Sister Study: A Prospective Study of the Genetic and Environmental Risk Factors for Breast Cancer

SUMMARY: In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute of Environmental Health Sciences (NIEHS), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: The Sister Study: A Prospective Study of the Genetic and Environmental Risk Factors for Breast Cancer.

Type of Information Collection Request: NEW. *Need and Use of Information Collection:* We are proposing to study genetic and environmental risk factors for the development of breast cancer in a cohort of sisters of women who have had breast cancer. In the United States, there were approximately 180,000 new cases in 1997, accounting for 30% of all new cancer cases among women. The etiology of breast cancer is complex, with both genetic and environmental factors likely playing a role. Environmental risk factors, however, have been difficult to identify. By focusing on genetically susceptible subgroups, more precise estimates of the contribution of environmental and other non-genetic factors to disease risk may be possible. Sisters of women with breast cancer are one group at increased risk for breast cancer; we would expect about 2 times as many breast cancers to accrue in a cohort of sisters as would accrue in a cohort identified through random sampling or other means. Sisters of women with breast cancer will also be at increased risk for ovarian cancer and possibly for other hormonally-mediated diseases. The sister design will also facilitate study of sib-pairs to evaluate similarities in tumor characteristics, prognosis, and risk factors. We propose to enroll a cohort of 50,000 women who have not had breast cancer. In addition, we will enroll 500 of the index sisters whose breast cancer diagnosis was within the past four months. Initial recruitment of the first 2,000 women will take place from October 2001–January 2002 before beginning recruitment in earnest in April 2002. The data collected in the initial phase will allow us to evaluate subject recruitment and data collection procedures, and collect other data that will help us better target our recruitment efforts. We estimate that a cohort of 50,000 sisters aged 30–74 years would provide about 1,500 breast cancer cases over five years.

Frequency of Response: On occasion (one initial 15-minute screening [either on the telephone OR on the internet], followed by an hour and a half-long telephone interview, one mailed self-administered questionnaire, and some biological specimens collection). Women will be advised that subsequent shorter interviews or questionnaires will be sought every 1–2 years for follow-up.

Affected Public: Individuals or households.

Type of Respondents: Unaffected sisters of women diagnosed with breast cancer, aged 30–74, from all socioeconomic backgrounds and ethnicities and women with recently diagnosed breast cancer. The annual reporting burden is as follows:

Estimated Number of Respondents: 63,000 (20,833 unaffected sisters per year, on average, plus a total of 500 index sisters with incident breast cancer).

Estimated Number of Responses per Respondent: See table below.

Average Burden Hours Per Response: 4.6; and

Estimated Total Burden Hours Requested: 293,500 (over 3 years). The average annual burden hours requested is 97,833. The annualized cost to respondents is estimated at $115 (assuming $20 hourly wage × 5 hours + $15 babysitting/travel allowance). There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total burden hours requested
Women calling in (Eligibility Screening)	63,000	1	0.25	15,750
Telephone Interview (CATI)	50,500	1	1.5	75,750
Questionnaires (self-administered)	50,500	1	1.0	50,500
Biological Collections	50,500	1	3.0 [2]	151,500
Total	[1] 63,000			293,500

[1] Expect 20% (12,500) ineligible after screening, + 500 incident cases.
[2] Includes waiting and travel time, and scheduling appointment for blood draw.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Dale P. Sandler, Acting Chief, Epidemiology Branch, NIEHS, Building 101, A–304, P.O. Box 12233, Research Triangle Park, NC 27709 or call non-toll-free number (919) 541–4668 or E-mail your request, including your address to: ''sandler@niehs.nih.gov.''

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before August 20, 2001.

Dated: June 12, 2001.

Francine Little,

NIEHS, Associate Director for Management.

[FR Doc. 01–15460 Filed 6–19–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Division of Extramural Research and Training; Proposed Collection; Comment Request; Hazardous Waste Worker Training

SUMMARY: In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute of Environmental Health Sciences (NIEHS), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: Hazardous Waste Worker Training—42 CFR part 65. *Type of Information Collection Request:* Revision of OMB No. 0925–0348 and expiration date 10/31/2001. *Need and Use of Information Collection:* This request for OMB review and approval of the information collection is required by regulation 42 CFR part 65(a)(6). The National Institute of Environmental Health Sciences (NIEHS) was given major responsibility for initiating a worker safety and health training program under section 126 of the Superfund Amendments and Reauthorization Act of 1986 (SARA) for hazardous waste workers and emergency responders. A network of non-profit organizations that are committed to protecting workers and their communities by delivering high-quality, peer-reviewed safety and health curricular to target populations of hazardous waste workers and emergency responders has been developed. In thirteen years (FY 1987–2000), the NIEHS Worker Training program has successfully supported 20 primary grantees that have trained nearly 1 million workers across the country and presented over 54,000 classroom and hands-on training courses, which have accounted for nearly 16 million contact hours of actual training. Generally, the grant will initially be for one year, and subsequent continuation awards are also for one year at a time. Grantees must submit a separate application to have the support continued for each subsequent year. Grantees are to provide information in accordance with S65.4(a), (b), (c) and 65.6(a) on the nature, duration, and purpose of the training, selection criteria for trainees' qualifications and competency of the project director and staff, cooperative agreements in the case of joint applications, the adequacy of training plans and resources, including budget and curriculum, and response to meeting training criteria in OSHA's Hazardous Waste Operations and Emergency Response Regulations (29 CFR 1910.120). As a cooperative agreement, there are additional requirements for the progress report section of the application. Grantees are to provide their information in hard copy as well as enter information into the WETP Grantee Data Management System. The information collected is used by the Director through officers, employees, experts, and consultants to evaluate applications based on technical merit to determine whether to make awards. *Frequency of Response:* Biannual. *Affected Public:* Non-profit organizations. *Type of Respondents:* Grantees. The annual reporting burden is as follows: *Estimated Number of Respondents:* 18; *Estimated Number of Responses per Respondent:* 2; *Average Burden Hours Per Response:* 10; and *Estimated Total Annual Burden Hours Requested:* 360. The annualized costs to respondents is estimated at: $9,180. There are no Capital Costs, Operating Costs and/or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of

the function of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before August 20, 2001.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Joseph T. Hughes, Jr., Director, Worker Education and Training Program, Division of Extramural Research and Training, NIEHS, P.O. Box 12233, Research Triangle Park, NC 27709 or call non-toll-free number (919) 541–0217 or E-mail your request, including your address to wetp@niehs.nih.gov.

Dated: June 7, 2001.

Francine Little,

NIEHS, Associate Director for Management.

[FR Doc. 01–15461 Filed 6–19–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing: Conformationally Locked Nucleoside Analogs as Antiherpetic Agents

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by contacting Peter A. Soukas, J.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7056 ext. 268; fax: 301/402–0220; e-mail: soukasp@od.nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: These inventions relate to therapeutics for Herpes Simplex Virus (HSV), a major public health threat. Results of a recent, nationally representative study show that genital herpes infection, caused by HSV–2, is common in the United States. Nationwide, 45 million people ages 12 and older, or one out of five of the total adolescent and adult population, is infected with HSV–2. Once infected with HSV, people remain infected for life. The inventors' research has shown that these compounds are significantly more potent than current therapeutics for HSV. Development of these inventions would provide a significant benefit to the public health in the form of potentially lower cost therapeutics based on the potency of the compounds.

Conformationally Locked Nucleoside Analogues

Victor E. Marquez, Juan B. Rodriguez, Marc C. Nicklaus, Joseph J. Barchi, Jr., Maqbool A. Siddiqui (NCI)

U.S. Patent 5,629,454 issued 13 May 1997; U.S. Patent 5,869,666 issued 9 Feb 1999; PCT/US94/10794 (issued as European Patent Number 0720604 and Australian Patent Number 677441)

and

Conformationally Locked Nucleoside Analogs as Antiherpetic Agents

Victor E. Marquez, Juan B. Rodriguez, Marc C. Nicklaus, Joseph J. Barchi, Jr., Maqbool A. Siddiqui (NCI)

U.S. Patent 5,840,728 issued 23 Nov 1998

The compounds of the present invention represent the first examples of carbocyclic dideoxynucleosides that in solution exist locked in a defined N-geometry (C3′-endo) conformation typical of conventional nucleosides. These analogues exhibit increased stability due to the substitution of carbon for oxygen in the ribose ring. The invention includes 4′-6′-cyclopropane fused carbocyclic dideoxynucleosides, 2′-deoxynucleosides and ribonucleosides as well as oligonucleotides derived from these analogues; the preferred embodiment of the invention is carbocyclic-4′-6′-cyclopropane-fused analogues of dideoxypurines, dideoxypyrimidines, deoxypurines, deoxypyrimidines, purine ribonucleosides and pyrimidine ribonucleosides. In addition, oligonucleotides derived from one or more of the nucleosides in combination with the naturally occurring nucleosides are within the scope of the present invention.

The second invention discloses a method for the treatment of herpes virus infections by the administration of cyclopropanated carbocyclic 2′-deoxynucleosides to an affected individual. This invention is a method of administration of the compounds described above. The compounds of this invention are particularly efficacious against herpes simplex viruses 1 and 2 (HSV–1 and HSV–2), Epstein-Barr Virus (EBV) and human cytomegalovirus (CMV), although the nucleoside analogues of the invention may be used to treat any condition caused by a herpes virus. Specifically, the N-methanocarba-T (Thymidine) analogue has been shown to exhibit strong activity against HSV–1 and HSV–2, and moderate to strong activity against EBV. Significantly, the anti-HSV activity of the Thymidine analogue is stronger than that of Acyclovir (shown in a plaque reduction assay), a widely used anti-HSV therapeutic. Furthermore, the Thymidine analogue is also non-toxic against stationary cells and is potent against rapidly dividing cells. Dosage amounts for the compounds are similar to those of Acyclovir.

Descriptions of these inventions may be found in Rodriguez et al., J. Medicinal Chemistry 37:3389–3399 (1994) and Marquez et al., J. Medicinal Chemistry 39:3739–3747 (1996).

5–Substituted Derivatives of Conformationally Locked Nucleoside Analogues

Victor Marquez, Pamela Russ (NCI)

DHHS Reference No. E–249–00/0, U.S. S/N 60/220,934 filed 26 Jul 2000

This invention relates to 5-substituted derivatives of conformationally locked nucleoside analogues and methods of using these derivatives as antiviral and anticancer agents. The compounds contemplated by the invention are nucleoside analogues where the 5-substituent is a halogen, alkyl, alkene, halovinyl or alkyne group, and the nucleotide base is cytosine or uracil. The analogues are particularly effective in treating viral infections, specifically infections of DNA viruses such as Herpes simplex virus (HSV), Varicella zoster virus (VSV), Epstein Barr virus (EBV), and Cytomegalovirus (CMV) as well as members of the Poxviridae family. The inventors have

demonstrated in plaque reduction assays that 5-substituted uracils (bromo, iodo, and bromovinyl) attached to a bicyclo[3.1.0]hexane template are thirty times more potent than acyclovir against HSV–1 and HSV–2.

Dated: June 11, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–15459 Filed 6–19–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing: Cloned Hepatitis C Virus (HCV) Genomes, Chimeras, and Derivatives Thereof

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by contacting Peter A. Soukas, J.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7056 ext. 268; fax: 301/402–0220; e-mail: soukasp@od.nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: Hepatitis C virus (HCV) is a single stranded RNA virus responsible for the majority of non-A non-B hepatitis. Hepatitis C virus (HCV) has a worldwide distribution and is a major cause of liver cirrhosis and hepatocellular carcinoma in the U.S., Europe, and Japan. For this reason, development of a vaccine against hepatitis C is of great importance. The present inventions claim full-length sequences of HCV, HCV chimeras and HCV derivatives, and methods for using these full-length sequences for a variety of therapeutic and diagnostic applications, including vaccines.

Cloned Genomes of Infectious Hepatitis C Virus and Uses Thereof

Masayuki Yanagi, Jens Bukh, Suzanne U. Emerson, Robert H. Purcell (NIAID)
Serial No. 09/014,416 filed 27 Jan 1998, issued as U.S. Patent 6,153,421 on 28 Nov 2000; Serial No. 09/662,454 filed 14 Sep 2000; Canadian Application 2295552; Australian Application 84889/98; European Application 98935702.5

The current invention provides nucleic acid sequences comprising the genomes of infectious hepatitis C viruses (HCV) of genotype 1a and 1b. It covers the use of these sequences, and polypeptides encoded by all or part of the sequences, in the development of vaccines and diagnostic assays for HCV and the development of screening assays for the identification of antiviral agents for HCV. Additional information can be found in Yanagi et al., (1997) Proc. Natl. Acad. Sci., USA 94, 8738–8743 and Yanagi et al. (1998) Virology 244, 151–172.

Cloned Genome of Infectious Hepatitis C Virus of Genotype 2a and Uses Thereof

Jens Bukh, Masayuki Yanagi, Robert H. Purcell, Suzanne U. Emerson (NIAID)
DHHS Reference No. E–100–99/0, U.S. S/N 60/137,693 filed 04 Jun 1999; DHHS Reference No. E–100–99/1, PCT/US00/15466 filed 02 Jun 2000

The current invention provides a nucleic acid sequence comprising the genome of infectious hepatitis C viruses (HCV) of genotype 2a. The encoded polyprotein differs from those of the infectious clones of genotypes 1a and 1b (U.S. Patent 6,153,421) by approximately thirty (30) percent. It covers the use of this sequence and polypeptides encoded by all or part of the sequence, in the development of vaccines and diagnostic assays for HCV and the development of screening assays for the identification of antiviral agents for HCV. Additional information can be found in Yanagi et al. (1999), Virology 262, 250–263.

HCV/BVDV Chimeric Genomes and Uses Thereof

Jae-Hwan Nam, Jens Bukh, Robert H. Purcell, Suzanne U. Emerson (NIAID)
DHHS Reference No. E–102–99/0, U.S. S/N 60/137,817 filed 04 June 1999; DHHS Reference No. E–102–99/1, PCT/US00/15527 filed 02 Jun 2000

The current invention provides nucleic acid sequences comprising chimeric viral genome of hepatitis C Virus (HCV) and bovine viral diarrhea viruses (BVDV). The chimeric viruses are produced by replacing the structural region or a structural gene of an infectious BVDV clone with the corresponding region or gene of an infectious HCV. It covers the use of these sequences and polypeptides encoded by all or part of the sequences in the development of vaccines and diagnostic assays for HCV and the development of screening assays for the identification of antiviral agents for HCV.

Infectious cDNA Clone of GB Virus B and Uses Thereof

Jens Bukh, Masayuki Yanagi, Robert H. Purcell, Suzanne U. Emerson (NIAID)
DHHS Reference No. E–173–99/0, U.S. S/N 60/137,694 filed 04 Jun 1999; DHHS Reference No. E–173–99/1, PCT/US00/15293 filed 02 Jun 2000

The current invention provides nucleic acid sequences comprising the genomes of infectious GB virus B, the most closely related member of the Flaviviridae to hepatitis C virus (HCV). It also covers chimeric GBVB–HCV sequences and polypeptides for use in the development of vaccines and diagnostic assays for HCV and the development of screening assays for the identification of antiviral agents for HCV. Additional information can be found in Bukh et al. (1999), Virology 262, 470–478.

Dated: June 11, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–15462 Filed 6–19–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

White House Commission on Complementary and Alternative Medicine Policy; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is given of a meeting of the White House Commission on Complementary and Alternative medicine Policy.

The purpose of this public meeting is to convene the Commission to discuss possible Federal policy regarding complementary and alternative medicine (CAM). The main focus of the meeting is the development and discussion of draft recommendations that may be included in the Interim and

the Final Reports of the White House Commission on Complementary and Alternative Medicine Policy. Major issues before the Commission include the following: Coordination of CAM Research; Access, Delivery, and Reimbursement of CAM Services and Products; Training, Education, Credentialing, and Licensing of CAM Practitioners; Development and Dissemination of CAM Information for Health Care Providers and the Public; and CAM in Wellness, Self-Care, and Disease Prevention. Comments received at the meeting may be used by the Commission to prepare the Report to the President as required by the Executive Order.

Some Commission members may participate by telephone conference. Opportunities for oral statements by the public will be provided on July 3, from 3 p.m.–4 p.m. (Time approximate)

Name of Committee: The White House Commission on Complementary and Alternative Medicine Policy.

Date: July 2–3, 2001.

Time: July 2—10 a.m.–6 p.m.; July 3—8 a.m.–4 p.m.

Place: Jurys Washington Hotel, Westbury Conference Room, 1500 New Hampshire Ave., NW., Washington, DC 20036, Phone Number: 202–483–6000.

Contact Persons: Michele M. Chang, CMT, MPH, Executive Secretary, or Stephen C. Groft, Pharm.D., Executive Director, 6707 Democracy Boulevard, Room 880, MSC–5467, Bethesda, MD 20892–5467, Phone: (301) 435–7592, Fax: (301)480–1691, E-mail: WHCCAMP@mail.nih.gov.

Because of the need to obtain the views of the public on these issues as soon as possible and because of the early deadline for the report required of the Commission, this notice is being provided at the earliest possible time.

Supplementary Information: The President established the White House Commission on Complementary and Alternative Medicine Policy on March 7, 2000 by Executive Order 13147. The mission of the White House Commission on Complementary and Alternative Medicine Policy is to provide a report, through the Secretary of the Department of Health and Human Services, on legislative and administrative recommendations for assuring that public policy maximizes the benefits of complementary and alternative medicine to Americans.

Public Participation

The meeting is open to the public with attendance limited by the availability of space on a first come, first served basis. Members of the public who wish to present oral comments may register by faxing a request to register at 301–480–1691 or by accessing the website of the Commission at *http://wwccamp.hhs.gov* no later than June 25, 2001.

Oral comments will be limited to five minutes, three minutes to make a statement and two minutes to respond to questions from Commission members. Due to time constraints, only one representative from each organization will be allotted time for oral testimony. The number of speakers and the time allotted may also be limited by the number of registrants. Priority may be given to participants who have not yet addressed the Commission at previous meetings. All requests to register should include the name, address, telephone number, and business or professional affiliation of the interested party, and should indicate the area of interest or question to be addressed.

Any person attending the meeting who has not registered to speak in advance of the meeting will be allowed to make a brief oral statement during the time set aside for public comment if time permits, and at the Chairperson's discretion. Individuals unable to attend the meeting, or any interested parties, may send written comments by mail, fax, or electronically to the staff office of the Commission for inclusion in the public record.

When mailing or faxing written comments, please provide, if possible, an electronic version or on a diskette. Persons needing special assistance, such as sign language interpretation or other special accommodations, should contact the Commission staff at the address or telephone number listed above no later than June 25, 2001.

Dated: June 14, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15467 Filed 6–19–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Initial Review Group, Ethical, Legal, Social Implications Review Committee.

Date: July 12–13, 2001.

Time: 8:00 am to 6:00 pm.

Agenda: To review and evaluate grant applications.

Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Rudy O. Pozzatti, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301 402–0838.

(Catalogue of Federal Domestic Assistance Program Nos. 83.172, Human Genome Research, National Institutes of Health, HHS).

Dated: June 14, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15463 Filed 6–19–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Community-Based Participatory Research in Evironmental Health (RFA 01–003).

Date: July 10–12, 2001.

Time: 7:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hawthorn Suites Hotel, 300 Meredity Drive, Durham, NC 27713.

Contact Person: J. Patrick Mastin, PhD., Scientific Review Administrator, Scientific Review Branch/DERT, NIEHS, P.O. Box 12233 MD EC–30, Research Triangle Park, NC 27709, (919) 541–1446.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel RFP ES–01–08.

Date: July 20, 2001.

Time: 11:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: NIEHS–East Campus, Building 4401, Conference Room 122, 79 Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Zoe E. Huang, MD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institutes of Environmental Health Sciences, P.O. Box 12233, MD/EC–30, Research Triangle Park, NC 27709, 919/541–4964.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: June 14, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15464 Filed 6–19–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Therapeutic Communities Research.

Date: July 26, 2001.

Time: 9 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: JW Marriott Hotel, 1331 Pennsylvania Avenue, Washington, DC 20004.

Contact Person: Kesinee Nimit, MD, Health Scientist Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20891–9547, (301) 435–1432.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS).

Dated: June 12, 2001.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15468 Filed 6–19–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel ''Web-based Visualization and Analysis of DNA Micro-array Data.''

Date: June 20, 2001.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Richard C. Harrison, Chief, Contract Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547, 301–435–1437.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279. Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: June 12, 2001.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15469 Filed 6–19–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Biomedical Library Review Committee, June 14, 2001, 8:30 a.m. to June 15, 2001, 5:00 p.m. National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894 which was published in the **Federal Register** on April 12, 2001, 66FR18962.

On June 14, 2001 the meeting will be closed to the public from 8:30 a.m. to 12:00 noon; open to the public from 12:00 noon to 2:30 p.m.; and closed to the public from 2:30 p.m. to adjournment. The meeting is partially closed to the public.

Dated: June 13, 2001.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 01–15466 Filed 6–19–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 21, 2001.

Time: 1:30 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Clare K. Schmitt, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7808, Bethesda, MD 20892, (301) 435–1148, schmittc@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 13, 2001.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15465 Filed 6–19–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Preparation of an Environmental Assessment for TotalFinaElf Exploration and Production USA, Inc.'s (TotalFinaElf) and Williams Field Services—Gulf Coast Company, L.P. (Williams) Pipeline and Platform Applications (Canyon Express and Canyon Station Pipeline Applications)

AGENCY: Minerals Management Service, Interior.

ACTION: Preparation of an environmental assessment.

SUMMARY: The Minerals Management Service (MMS) is preparing an environmental assessment (EA) for a proposed deepwater development plan to develop and produce hydrocarbon reserves about 70 miles offshore Louisiana and 107 miles directly south of Alabama in Mississippi Canyon Block 348 (Camden Hills Prospect), Mississippi Canyon Block 305 (Aconcagua Prospect), and DeSoto Canyon Blocks 133 and 177 (Kings Peak Prospect; in Eastern Planning Area).

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, Mr. Alvin Jones, telephone (504) 736–1713.

SUPPLEMENTARY INFORMATION: This EA implements the tiering process outlined in 40 CFR 1502.20, which encourages agencies to tier environmental documents, eliminating repetitive discussions of the same issue. By use of tiering to the most recent final environmental impact statement (EIS) for the Gulf of Mexico Central Planning Area for Lease Sales 169, 172, 175, 178, and 182 and by referencing related environmental documents, this EA concentrates on environmental issues specific to the proposed action.

The MMS GOM Region received a Pipeline Right-of-Way (ROW) Application that proposes to construct, maintain, operate, and transport hydrocarbon reserves located in Mississippi Canyon Blocks 348, 305, and 217 and DeSoto Canyon Blocks 133 and 177. The Region also received a Right-of-Use and Easement Application for a hydrocarbon processing platform, which will receive production from the Camden Hills, Aconcagua, and Kings Peak Prospects and four exporting lines in Main Pass Block 261. The combined Applications are referred to as the Canyon Express/Station Pipeline Project. TotalFinaElf will complete and produce 10 wells that were drilled under previously approved Exploration Plans for the subject blocks. Williams' proposed platform would receive those hydrocarbon resources and export to existing pipelines. No new drilling operations are proposed as a part of this project.

The Canyon Express portion, a ROW Application consists of 28 ROW and lease-term pipeline segments. The lengths of pipeline segments range from 60 feet to over 55 miles. The water depth ranges from 7,216 feet in Mississippi Canyon Block 348 to 299 feet at the platform (''JP'') in Main Pass Block 261. Portions of the proposed Canyon Express pipelines are in (adjacent to the western flank of) the Eastern Planning Area. TotalFinaElf will use a support base located in Fourchon, Louisiana, to support pipelaying activities associated with the Canyon Express Project.

Condensate and gas produced at the Camden Hills, Aconcagua, and Kings Peak Prospects will be transported to the proposed Platform in Main Pass Block 261.

The Canyon Station portion, a Right-of-Use and Easement Application consists of a processing platform and four exporting pipelines all within the Central Planning Area. The water depth of the four departing pipelines range from 282 to 307 feet. The average length of the four exporting pipelines is 1.12 miles. The four exporting pipelines will terminate at subsea tie-in points on existing pipelines within Main Pass Block 261. Williams will initially use a support base in Venice, Louisiana, and switch operations to Mobile, Alabama, once production commences.

The proposed action analyzed in the EA will be the development plan as proposed by TotalFinaElf and Williams. Alternatives will include the proposed action with additional mitigations and no action (i.e., disapproval of the plan). The analyses in the EA will examine the potential environmental effects of the proposal and alternatives.

Public Comments

The MMS requests interested parties to submit comments regarding issues that should be addressed in the EA to Minerals Management Service, Gulf of Mexico OCS Region, Office of Leasing and Environment, Attention: Regional Supervisor (MS 5400), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394. Comments must be submitted no later than 30 days from the publication date of this Notice.

Dated: June 7, 2001.

Chris C. Oynes,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 01–15458 Filed 6–19–01; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

ACTION: Public Announcement of meeting pursuant to the Government In the Sunshine Act (Public Law 94–409; 5 U.S.C. Section 552b).

AGENCY HOLDING MEETING: Department of Justice, United States Parole Commission.

DATE AND TIME: 12:00 p.m., Friday, June 22, 2001.

PLACE: 5550 Friendship Boulevard, Suite 400, Chevy Chase, Maryland 20815.

STATUS: Closed—Meeting.

MATTERS CONSIDERED: The following matter will be considered during the closed portion of the Commission's Business Meeting:

Appeals to the Commission involving approximately two cases decided by the National Commissioners pursuant to a reference under 28 C.F.R. 2.27. These cases were originally heard by an examiner panel wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

AGENCY CONTACT: Sam Robertson, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: June 15, 2001.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 01–15597 Filed 6–18–01; 1:06 pm]

BILLING CODE 4410–31–M

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

ACTION: Public Announcement of meeting pursuant to the Government in the Sunshine Act (Public Law 94–409; 5 U.S.C. Section 552b).

AGENCY HOLDING MEETING: Department of Justice, United States Parole Commission.

TIME AND DATE: 9:30 a.m., Friday, June 22, 2001.

PLACE: 5550 Friendship Blvd., Fourth Floor, Chevy Chase, MD 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Approval of minutes of previous Commission meeting.
2. Reports from the Chairman, Commissioners, Legal, Chief of Staff, Case Operations, and Administrative Sections.
3. Discussion on recommended revision of 28 CFR § 2.81(d) concerning the procedures for reparole hearings in District of Columbia Code cases.

AGENCY CONTACT: Sam Robertson, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: June 15, 2001.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 01–15598 Filed 6–18–01; 1:06 pm]

BILLING CODE 4410–31–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Mental Health Parity

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and other federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95)(44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data is provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

By this notice, the Department of Labor's Pension and Welfare Benefits Administration (PWBA) is soliciting comments on the extension of the information collection requests (ICRs) included in the Interim Rules for Mental Health Parity as published in the **Federal Register** on December 22, 1997 (62 FR 66931)(Interim rules). OMB approved the three separate ICRs through August 31, 2001 under OMB control numbers 1210–0105, 1210–0106, and 1210–0107, respectively. Copies of the ICRs for 1210–0105 and 1210–0106 may be obtained by contacting the office shown below in the addresses section of this notice. The approval for the ICR approved under 1210–0107 will be allowed to expire because it pertained to a specific transitional period, and is no longer applicable.

DATES: Written comments must be submitted to the office listed in the addresses section on or before August 20, 2001.

ADDRESSES: Interested parties are invited to submit written comments regarding the ICRs to Mr. Gerald B. Lindrew, Office of Policy and Research, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N–5647, Washington, DC 20210. Telephone: (202) 219–4782. Fax: (202) 219–4745 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

The purpose of this notice is to seek comments from the public prior to submission to OMB for continued approval of two of the three information collection requests included in the Interim Final Rules. The Mental Health Parity Act of 1996 (MHPA) (Pub. L. 104–204) generally requires that group health plans provide parity in the application of dollar limits between mental health and medical/surgical benefits. The statute exempts plans from this requirement if its application results in an increase in the cost under the plan or coverage of at least one percent. The Interim Final Rules under 29 CFR 2590.712(f)(3)(i) and (ii) require a group health plan electing this exemption to provide a written notice to participants and beneficiaries and to the federal government of the plan's election of the exemption. This notice requirement is approved under OMB control number 1210–0105. To satisfy the requirement to notify the federal government, a group health plan may either send the Department a copy of the summary of material reductions in covered services or benefits sent to participants and beneficiaries, containing the plan number and the plan sponsor's employer identification number, or the plan may use the Department's model notice published in the Interim Final Rule which was developed for this purpose.

The second ICR, approved under OMB control number 1210–0106, is a summary of the information used to calculate the plan's increased costs under the MHPA for purposes of electing the one percent increased cost exemption, which the plan must make available to participants and beneficiaries, on request at no charge. Under 29 CFR 2590.712(f)(2), a group health plan wishing to elect the one percent exemption must calculate their increased costs according to certain rules. Under 29 CFR 2590.712(f)(4), a group health plan electing the one percent exemption is obligated to disclose to participants and beneficiaries (or their representatives), on request and at not charge, a summary of the information on which the exemption was based.

The third ICR, found in 29 CFR 2590.712(h)(3)(ii), was a notice of a group health plan's use of the transition period. This ICR was originally approved under OMB control number 1210–0107. This provision required plans exercising the one percent increased cost exemption during all or part of the first quarter of 1998 under the rule's transition provisions to notify the federal government, and to post a copy of this notice in a location where documents are made available for examination by participants and beneficiaries pursuant to section 104 of ERISA. Because the transition period is concluded, this requirement no longer applies and the ICR will be allowed to expire.

Type of Review: Extension of a currently approved collection.

Agency: U.S. Department of Labor, Pension and Welfare Benefits Administration.

Title: Notice to Participants and Beneficiaries and the Federal Government of Electing One Percent Increased Cost Exemption.

OMB Number: 1210–0105.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Frequency: On occasion.

Respondents: 10.

Responses: 10,000.

Estimated burden hours (Operating and Maintenance): 333.

Estimated burden costs: $5,000.

Title: Calculation and Disclosure of Documentation of Eligibility for Exemption.

OMB Number: 1210–0106.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Frequency: On occasion.

Respondents: 10.

Responses: 200.

Estimated burden hours (Operating and Maintenance): 10.

Estimated burden costs: $100.

II. Desired Focus of Comments

The Department of Labor is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department intends to request an extension of the ICRs currently approved under control numbers 1210–0105 and 1210–0106 without change to the existing information collection provisions. Although MHPA requirements will not apply to benefits for services furnished on or after September 30, 2001 in accordance with the sunset provision of section 712(f) of ERISA, in order to ensure that participants and beneficiaries are aware of their rights under group health plans, the Department intends to maintain the clearance of the notice and disclosure provisions of MHPA through September 30, 2001 and until such time as the sunset provision has taken effect without additional Congressional action that would have the effect of extending the duration of MHPA's applicability.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the ICRs; they will also become a matter of public record.

Dated: June 14, 2001.

Gerald B. Lindrew,

Deputy Director, Pension and Welfare Benefits Administration, Office of Policy and Research.

[FR Doc. 01–15536 Filed 6–19–01; 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–334 and 50–412]

Firstenergy Nuclear Operating Company (FENOC), et al.; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR–66 and NPF–73 issued to FENOC, et al. (the licensee) for operation of the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS–1 and 2), located in Shippingport, Pennsylvania.

The proposed amendment would revise the BVPS–1 and 2 Technical Specifications (TSs) to implement improvements endorsed in the Nuclear Regulatory Commission's (NRC's) Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors (58 FR 39132) which was published in the **Federal Register** on July 22, 1993. The major change proposed in this request involves the application of the TS screening criteria from the policy statement (codified in 10 CFR 50.36) to evaluate the content of the BVPS TS.

Consistent with the policy statement guidance, the TS that do not meet the criteria of 10 CFR 50.36 are proposed for relocation to documents controlled by BVPS. The proposed locations for the relocated TS requirements are the Licensing Requirements Manual (LRM) and Offsite Dose Calculation Manual (ODCM). The LRM and ODCM are referenced in the BVPS–1 and 2 Updated Final Safety Analysis Reports (UFSARs). Changes to documents referenced in the UFSAR are required to be made in accordance with 10 CFR 50.59. As such, changes to the relocated TS requirements will be in accordance with the provisions of 10 CFR 50.59 and prior NRC review and approval of changes will be requested if required by 10 CFR 50.59.

In order to support the relocation of certain TS, this license amendment request also proposes changes to retained TS and Bases. In addition, this request proposes the addition of a TS Bases control program consistent with the improved standard TS. These changes are administrative in nature and are made to support the relocation of TS and provide clarifications and enhancements that serve to make the existing TS more consistent with the content of the Improved Standard Technical Specifications (ISTS) for Westinghouse Plants contained in NUREG–1431.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed amendment does not involve a significant increase in the probability of an accident previously evaluated because no changes are being made to any event initiator. Nor is any analyzed accident scenario being revised. The initiating conditions and assumptions for accidents described in the UFSAR [Updated Final Safety Analysis Report] remain as previously analyzed.

The proposed amendment also does not involve a significant increase in the consequences of an accident previously evaluated. The amendment does not reduce the current operability requirements

contained in the TS proposed for relocation. The proposed relocation of TS requirements only affects the level of regulatory control involved in future changes to the requirements. Additionally, the TS proposed for relocation do not meet the 10 CFR 50.36 criteria for retention in the TS.

The additional changes proposed to retained TS in the LAR [license amendment request], including the addition of the TS Bases Control Program, are either enhancements, clarifications, or administrative in nature, and are made to support the relocation of TS and to be more consistent with the ISTS and plant specific safety analyses. The changes to retained TS have no adverse effect on the safety analyses for design basis accidents described in the UFSAR. The initiating conditions and assumptions for accidents described in the UFSAR remain as previously analyzed.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the changes create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed amendment does not involve any physical changes to the plant or the modes of plant operation defined in the TS. The proposed amendment does not involve the addition or modification of plant equipment nor does it alter the design or operation of any plant systems. No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of these changes.

There are no changes in this amendment that would cause the malfunction of safety-related equipment assumed to be operable in accident analyses. No new mode of failure has been created and no new equipment performance requirements are imposed. The proposed amendment has no effect on any previously evaluated accident.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The margin of safety depends on the maintenance of specific operating parameters and systems within design requirements and safety analysis assumptions.

The proposed amendment does not involve revisions to any safety limits or safety system setting that would adversely impact plant safety. The proposed amendment does not alter the functional capabilities assumed in a safety analysis for any system, structure, or component important to the mitigation and control of design bases accident conditions within the facility. Nor does this amendment revise any parameters or operating restrictions that are assumptions of a design basis accident. In addition, the proposed amendment does not affect the ability of safety systems to ensure that the facility can be placed and maintained in a shutdown condition for extended periods of time.

The relocation of TS does not reduce the effectiveness of the requirements being relocated. Rather, the relocation of the TS results in a change in the regulatory control required for future changes made to the requirements. Additionally, the technical specifications proposed for relocation do not meet the 10 CFR 50.36 criteria for retention in the technical specifications.

The requirements contained within the affected TS will continue to be implemented by the appropriate plant procedures (e.g., operating and maintenance procedures) in the same manner as before. However, future changes to the relocated requirements will be controlled in accordance with 10 CFR 50.59 instead of a license amendment pursuant to 10 CFR 50.90. The provisions of 10 CFR 50.59 establish adequate controls over requirements removed from the TS and assure future changes to these requirements will be consistent with safe plant operation.

The additional changes proposed to retained TS in this LAR, including the addition of the TS Bases Control Program, are either enhancements, clarifications, or administrative in nature, and are made to support the relocation of TS and to be more consistent with the ISTS and plant specific safety analyses. These changes do not alter any operating parameters or design requirements assumed in a safety analysis for systems or components important to the mitigation and control of design bases accident conditions within the facility. Nor do these changes alter safety limits or safety system settings required for safe operation of the plant or the assumptions of any safety analysis.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 20, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site http://www.nrc.gov/NRC/CFR/index.html. If there are problems in accessing the document, contact the Public Document Room Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to pdr@nrc.gov. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the

results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mary O'Reilly, Attorney, FirstEnergy Legal Department, FirstEnergy Corporation, 76 S. Main Street, Akron, OH 44308, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 28, 2001 (Agencywide Documents Access and Management Systems (ADAMS) Accession No. ML010950383), as supplemented on May 1, 2001 (ADAMS Accession No. ML011290073), which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, http://www.nrc.gov/NRC/ADAMS/index.html. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 14th day of June, 2001.

For the Nuclear Regulatory Commission.

Lawrence J. Burkhart,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–15474 Filed 6–19–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension: Form 1,
Rules 6a–1 and 6a–2; SEC File No. 270–18; OMB Control No. 3235–0017.
Rules 6a–3; SEC File No. 270–15; OMB Control No. 3235–0021.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

The Securities Exchange Act of 1934 (''Act'') sets forth a regulatory scheme for national securities exchanges. Rule 6a–1 under the Act [1] generally requires an applicant for initial registration as a national securities exchange to file an application with the Commission on Form 1. An exchange that seeks an exemption from registration based on limited trading volume also must apply for such exemption on Form 1. Rule 6a–2 under the Act [2] requires registered and exempt exchanges: (1) To amend the Form 1 if there are any material changes to the information provided in the initial Form 1; and (2) to submit periodic updates of certain information provided in the initial Form 1, whether such information has changed or not. The information required pursuant to Rules 6a–1 and 6a–2 is necessary to enable the Commission to maintain accurate files regarding the exchange and to exercise its statutory oversight functions. Without the information submitted pursuant to Rule 6a–1 on

[1] 17 CFR 240.6a–1.

[2] 17 CFR 240.6a–2.

Form 1, the Commission would not be able to determine whether the respondent met the criteria for registration or exemption set forth in Sections 6 and 19 of the Act. Without the amendments and periodic updates of information submitted pursuant to Rule 6a–2, the Commission would have substantial difficulty determining whether a national securities exchange or exempt exchange was continuing to operate in compliance with the Act.

The respondents to the collection of information are entities that seek registration as a national securities exchange or that seek exemption from registration based on limited trading volume. After the initial filing of Form 1, both registered and exempt exchanges are subject to ongoing informational requirements.

Initial filings on Form 1 by new exchanges are made on a one-time basis. The Commission estimates that it will receive approximately three initial Form 1 filings per year and that each respondent would incur an average burden of 47 hours to file an initial Form 1 at an average cost per response of approximately $4,517. Therefore, the Commission estimates that the annual burden for all respondents to file the initial Form 1 would be 141 hours (one response/respondent × three respondents × 47 hours/response) and $13,551 (one response/respondent × three respondents × $4,517/response).

There currently are nine entities registered as nationals securities exchanges and two exempt exchanges. The Commission estimates that each registered or exempt exchange file one amendment or periodic update to Form 1 per year, incurring an average burden of 25 hours to comply with Rule 6a–2. The Commission estimates that the annual burden for all respondents to file amendments and periodic updates to the Form 1 pursuant to Rule 6a–2 is 275 hours (11 respondents × 25 hours/response × one response/respondent per year) and $25,630 (11 respondents × $2,330/response × one response/respondent per year).

Compliance with Rules 6a–1 and 6a–2 and Form 1 is mandatory for entities seeking to register as a national securities exchange or seeking an exemption from registration based on limited trading volume. Information received in response to Rules 6a–1 and 6a–2 and Form 1 shall not be kept confidential; the information collected is public information. As set forth in Rule 17a–1 under the Act,[3] a national securities exchange generally is required to retain records of the collection of information for at least five years.

Section 6 of the Act[4] sets out a framework for the registration and regulation of national securities exchanges. Under Commission Rule 6a–3,[5] one of the rules that implements section 6, a national securities exchange (or an exchange exempted from registration based on limited trading volume) must provide certain supplemental information to the Commission, including any material (including notices, circulars, bulletins, lists, and periodicals) issued or made generally available to members of, or participants or subscribers to, the exchange. Rule 6a–3 also requires the exchanges to file monthly reports that set forth the volume and aggregate dollar amount of securities sold on the exchange each month. The information required to be filed with the Commission pursuant to Rule 6a–3 is designed to enable the Commission to carry out its statutorily mandated oversight functions and to ensure that registered and exempt exchanges continue to be in compliance with the Act.

The respondents to the collection of information are national securities exchanges and exchanges that are exempt from registration based on limited trading volume.

The Commission estimates that each respondent make approximately 25 such filings on an annual basis at an average cost of approximately $21 per response. Currently, 11 respondents (nine national securities exchanges and two exempt exchanges) are subject to the collection of information requirements of Rule 6a–3. The Commission estimates that the total burden for all respondents is 137.5 hours (25 filings/respondent per year × 0.5 hours/filing × 11 respondents) and $5,775 ($21/response × 25 responses/respondent per year × 11 respondents) per year.

Compliance with Rule 6a–3 is mandatory for registered and exempt exchanges. Information received in response to Rule 6a–3 shall not be kept confidential; the information collected is public information. As set forth in Rule 17a–1 under the Act,[6] a national securities exchange is required to retain records of the collection of information for at least five years.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (a) Dest Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington DC 20503; and (b) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Comments must be submitted to the Office of Management and budget within 30 days of this notice.

Dated: June 12, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15528 Filed 6–19–01; 8:45 am]

BILLING CODE 8010–01–M

[3] 17 CFR 240.17a–1.

[4] 15 U.S.C. 78f.

[5] 17 CFR 240.6a–3.

[6] 17 CFR 240.17a–1.

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25004; File No. 812–12418]

First Allmerica Financial Life Insurance Company, et al.

June 14, 2001.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of Application for an order under section 6(c) of the Investment Company Act of 1940 (the ''1940 Act'') granting exemptions from the provisions of sections 2(a)(32), 22(c), and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder to permit the recapture of credits applied to contributions made under certain deferred variable annuity contracts.

SUMMARY OF APPLICATION: Applicants seek an order under section 6(c) of the 1940 Act to the extent necessary to permit, under specified circumstances, the recapture of certain credits applied to contributions made under deferred variable annuity contracts and certificates (the ''Contracts'') that First Allmerica will issue through the Separate Accounts (defined below), as well as other contracts that First Allmerica may issue in the future through the Separate Accounts or any other future separate account of First Allmerica (''Other Separate Account''), which contracts are substantially similar in all material respects to the Contracts (the ''Future Contracts''). Applicants also request that the order being sought extend to any other National Association of Securities Dealers, Inc., (''NASD'') member broker-dealer controlling or controlled by, or under common control with, First Allmerica,

whether existing or created in the future, that serves as a distributor or principal underwriter for the Contracts or Future Contracts offered through the Separate Accounts or any Other Separate Account (''First Allmerica Broker-Dealer(s)'').

APPLICANTS: First Allmerica Financial Life Insurance Company (''First Allmerica'') Separate Account VA-K of First Allmerica, Separate Account VA-P of First Allmerica, Separate Account KG of First Allmerica, and Allmerica Select Separate Account of First Allmerica (together with the other Applicant separate accounts, the ''Separate Accounts''), and Allmerica Investment, Inc., (Collectively ''Applicants'').

FILING DATE: The application was filed on January 24, 2001 and an amended and stated application was filed on June 14, 2001.

HEARING OR NOTIFICATION OF HEARING: An order granting the applicants will be issued unless the SEC orders a hearing. Intersted persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, in person or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 6, 2001, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the Commission.

FOR FURTHER INFORMATION CONTACT: Mark Cowan, Senior Counsel, at (202) 942–0675, or Keith Carpenter, Branch Chief, and (202) 942–0679, Office of Insurance Products, Division of Investment Management.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants, c/o First Allmerica Financial Life Insurance Company, 440 Lincoln Street, Worcester, Massachusetts, 01653, Attn: Sheila B. St. Hilaire, Esq.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (tel. (202) 942–8090).

Applicants' Representations

1. First Allmerica is a stock life insurance company organized under the laws of Massachusetts in 1844. Effective October 16, 1995, First Allmerica converted from a mutual life insurance company known as State Mutual Life Assurance Company Of America to a stock life insurance company and adopted in present name. First Allmerica is a wholly owned subsidiary of Allamerica Financial Corporation (''AFC''). First Allmerica is licensed to do business in all states, but currently sells variable annuity contracts only in New York and Hawaii.

2. Each of the Separate Accounts is a segregated asset account of First Allmerica. Each of the Separate Accounts is registerd with the Commission as a unit investment trust under the 1940 Act (Separate Account VA–K, see File No. 811–8114; Allmerica Select Separate Account, see File No. 811–8116; Separate Account VA–P, see File No. 811–8872; and Separate Account KG, see File No. 811–7769). First Allmerica serves as depositor of each of the Separate Accounts. First Allmerica may in the future establish one or more Other Separate Accounts for which it will serve as depositor.

3. Units of interest in the Separate Accounts under the Contracts will be registered under the Securities Act of 1933 (the ''1933 Act''). In that regard, the Separate Accounts have filed Form N–4 Registration Statements under the 1933 Act relating to the Contracts. Allmerica Select Separate Account filed a Form N–4 Registration Statement on January 19, 2001 under the 1933 Act relating to the Contracts, Separate Account VA–K filed a Form N–4 Registration Statement on January 24, 2001, Separate Account VA–P Filed a Form N–4 Registration Statement on January 19, 2001, and Separate Account KG filed a Form N–4 Registration Statement on January 24, 2001. Registrants filed Pre-Effective Amendments to their registration statements on May 18, 2001. First Allmerica may in the future issue Future Contracts through the Separate Accounts and through Other Separate Accounts. The assets of the Separate Accounts are not chargeable with liabilities arising out of any other business of First Allmerica. Any income, gains or losses, realized or unrealized, from assets allocated to the Separate Accounts are, in accordance with the respective Contracts, credited to or charged against the Separate Accounts, without regard to other income, gains or losses of First Allmerica.

4. Allmerica Investments, Inc., (''Allmerica Investments'') is an indirect wholly-owned subsidiary of First Allmerica and will be the principal underwriter of the Separate Accounts and distributor of the Contracts funded through Allmerica Select Separate Account (''Select Contracts''), Separate Account, VA–K (''VA–K Contracts''), Separate Account VA–P (''VA–P Contracts'') and Separate Account KG (''KG Contracts'') (collectively, the ''Contracts''), Allmerica Investments is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 (the ''1934 Act'') and is a member of the NASD. The Contracts will be offered through registered representatives of Allmerica Investments, or through unaffiliated broker-dealers, which are registered under the 1934 Act and members of the NASD, that have selling agreements with Allmerica Investments. Allmerica Investments, or any successor entity, may act as principal underwriter for any Other Separate Account and distributor for any Future Contracts issued by First America. A successor entity also may act as principal underwriter for the Separate Accounts.

5. The Select Contracts, VA–K Contracts, VA–P Contracts, and KG Contracts are substantially similar in all material respects. They differ principally in the mix of mutual funds underlying each of the Separate Accounts, in the distribution channels used in the offering of the Contracts, and in the amount of the Credit (5% for the Select Contracts and 4% for the VA–K Contracts, KG Contracts and VA–P Contracts). There are minor differences in some contract features. Contracts may be issued as individual retirement annuities (''IRAs,'' either ''Traditional IRAs'' or ''Roth IRAs''), in connection with certain types of qualified or non-qualified plans, or as non-qualified annuities for after-tax contributions only. In some situations, the Contracts may be issued on a group basis, rather than as an individual contract. Each of the group contracts consists of (i) a basic form of group annuity contract (the ''Group Contract'') issued to an employer or to a bank, trust company or other institution whose sole responsibility will be to serve as party to the Group Contract, (ii) a basic form of certificate issued under and reflecting the terms of the Group Contract, and (iii) forms of certificate endorsements to be used for specific forms of benefits under the certificates.

6. Payments may be made to the Contract at any time prior to the Annuity Date, subject to certain minimums. Currently, the initial payment must be at least $5,000 ($2,000 for IRAs), with lower minimum payments under salary deduction or monthly automatic payment plans, and for certain employer sponsored retirement plans. The minimum

subsequent payment is $50 ($100 for KG Contracts). The Contracts permit the owner to allocate contributions to a fixed interest account (''Fixed Account'') of First Allmerica's general account, to accumulate interest at a fixed, guaranteed rate. First Allmerica's general account assets support the guarantee of principal and interest.

7. Separate Account VA–K of First Allmerica will offer thirty-six Sub-accounts under the separate Account VA–K Contracts. These Sub-Accounts will invest in a corresponding investment portfolio of the Delaware Group Premium Fund, of the Pioneer Variable Contracts Trust, of the AIM Variable Insurance funds, of The Alger American Fund, of the Alliance Variable Products Series Fund, Inc., and of the Franklin Templeton Insurance Products Trust. Allmerica Select Separate Account is currently comprised of forty Sub-Accounts, which will invest in a corresponding investment portfolio of the Allmerica Investment Trust, of the AIM Variable Insurance Funds, of the Alliance Variable Products Series Fund, Inc., of the Deutsche Asset Management VIT Funds, of the Eaton Vance Variable Trust, of the Fidelity Variable Insurance Products Fund, of the Fidelity Variable Insurance Products Fund II, of the Fidelity Variable Insurance Products Fund III, of the Franklin Templeton Variable Insurance Products Trust, of the INVESCO Variable Investment Funds, Inc., of the Janus Aspen Series, of the Pioneer Variable Contracts Trust, of the Scudder Variable Series II, and of the T. Rowe Price International Series, Inc. Separate Account KG is currently comprised of forty Sub-Accounts, which will invest in a corresponding investment series of the Kemper Variable Series, of the Scudder Variable Series I and Scudder Variable Series II, of The Alger American Fund, of the Dreyfus Investment Portfolios, of The Dreyfus Socially Responsible Growth Fund, Inc., and of the Credit Suisse Warburg Pincus Trust. Separate Account VA–P currently consists of thirty investment portfolios, which will invest in a corresponding investment portfolio of the Pioneer Variable Contracts Trust, of the AIM Variable Insurance Funds, of the Alliance Variable Products Series Fund, Inc., of the Delaware Group Premium Fund, of the Franklin Templeton Variable Insurance Products Trust, and of the Van Kampen Life Investment Trust. These Sub-Accounts are also made available to investors under other variable annuity contracts offered by First Allmerica.

8. The Separate Accounts and Fixed Account of First Allmerica will comprise the initial investment options under the Contracts. First Allmerica in the future may determine to create additional Sub-Accounts of the Separate Accounts to invest in additional portfolios, other underlying portfolios or other investments in the future. Sub-Accounts may be combined or eliminated from time to time.

9. The Contracts provide for various withdrawal options, annuity benefits and payout annuity options, as well as transfer privileges among Sub-Accounts, dollar cost averaging, death benefits, optional annuitization riders, and other features. The Contracts have charges consisting of: (i) A withdrawal charge as a percentage of contributions declining from 8.5% in years one through four to 0% after year nine, with a 15% ''free withdrawal'' amount in certain situations; (ii) asset-based charges at the annual rates of 1.40% for mortality and expense risks and 0.15% for administration expenses assessed against the net assets of each Sub-Account; and (iii) an annual contract fee of $30 for Contracts with an Accumulated Value of less than $75,000. The underlying Funds each impose investment management fees and charges for other expenses.

10. Each time First Allmerica receives a contribution from an owner, it will allocate to the owner's contract value a credit (''Credit'') of a percentage of the amount of the contribution (5% for the Select Contracts and 4% for the VA–K Contracts, VA–P Contracts, and KG Contracts). First Allmerica will allocate Credits among the investment options in the same proportion as the corresponding contributions are allocated by the owner. First Allmerica will fund the Credits from its general assets. First Allmerica will recapture Credits from an owner only if the owner returns the Contract to First Allmerica for a refund during the ''free look'' period, which varies by state.

11. Applicants seek an exemption pursuant to section 6(c) of the 1940 Act from sections 2(a)(32), 22(c), and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder to the extent deemed necessary to permit First Allmerica to recapture Credits when an owner returns a Contract for a refund during the ''free look'' period, in which case first Allmerica will recover the amount of any Credit applicable to such contribution.

Applicants' Legal Analysis

1. section 6(c) of the 1940 Act authorizes the commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from the provisions of the 1940 Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. Applicants request that the commission, pursuant to section 6(c) of the 1940 Act, grant the exemptions summarized above with respect to the Contracts and any Future Contracts funded by the Separate Accounts or Other Separate Accounts, that are issued by First Allmerica and underwritten or distributed by Allmerica Investments or Allmerica Broker-Dealers. Applicants undertake that Future Contracts funded by the Separate Accounts or any Other Separate Account will be substantially similar in all material respects to the Contracts. Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicants represent that it is not administratively feasible to track the Credit amount in any of the Separate Accounts after the Credit is applied. Accordingly, the asset-based charges applicable to the Separate Accounts will be assessed against the entire amounts held in the respective Separate Accounts, including the Credit amount, during the ''free look'' period. As a result, during each period, the aggregate asset based charges against an owner's annuity account value will be higher than those that would be charged if the owner's annuity account value did not include the Credit.

3. Subsection (i) of section 27 provides that section 27 does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2) of the subsection. Paragraph (2) provides that it shall be unlawful for any registered separate account funding variable insurance contracts or a sponsoring insurance company of such account to sell a contract funded by the registered separate account unless, among other things, such contract is a redeemable security. Section 2(a)(32) defines ''redeemable security'' as any security, other than short-term paper, under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

4. Applicants submit that the recapture of the Credit if an owner

returns the Contract during the free look period would not deprive an owner of his or her proportionate share of the issuer's current net assets. Applicants state that an owner's interest in the amount of the Credit allocated to his or her annuity account value upon receipt of an initial contribution is not vested until the applicable free-look period has expired without return of the Contract. Until or unless the amount of any Credit is vested, Applicants submit that First Allmerica retains the right and interest in the Credit amount, although not in the earnings attributable to that amount. Applicants argue that when First Allmerica recaptures any Credit it is simply retrieving its own assets, and because an owner's interest in the Credit is not vested, the owner has not been deprived of a proportionate share of the applicable Separate Account's assets, *i.e.,* a share of the applicable Separate Account's assets proportionate to the owner's annuity account value (including the Credit).

5. In addition, Applicants state that it would be patently unfair to allow an owner exercising the free-look privilege to retain a Credit amount under a Contract that has been returned for a refund after a period of only a few days. Applicants state that if First Allmerica could not recapture the Credit, individuals could purchase a Contract with no intention of retaining it, and simply return the Contract for a quick profit.

6. Applicants represent that the Credit will be attractive to and in the interest of investors because it will permit owners to put their contributions and the amount of the credit to work for them in the selected Sub-Accounts. In addition, the owner will retain any earnings attributable to the Credit, and the principal amount of the Credit will be retained under the conditions set forth in the application.

7. Applicants submit that the provisions for recapture of any Credit if an owner returns a Contract or any Future Contract during the free look period under the Contracts will not violate sections 2(a)(32) and 27(i)(2)(A) of the 1940 Act. Nevertheless, to avoid any uncertainties, Applicants request an exemption from those Sections, to the extent deemed necessary, to permit the recapture of any Credit if an owner returns a Contract or any Future Contract during the free look period without the loss of the relief from section 27 provided by section 27(i).

8. Section 22(c) of the 1940 Act authorizes the Commission to make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company, whether or not members of any securities association, to the same extent, covering the same subject matter, and for the accomplishment of the same ends as are prescribed in section 22(a) in respect of the rules which may be made by a registered securities association governing its members. Rule 22c–1 thereunder prohibits a registered investment company issuing any redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, such security, from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

9. Arguably, First Allmerica's recapture of the Credit may be viewed as resulting in the redemption of redeemable securities for a price other than one based on the current net asset value of the Separate Accounts. Applicants contend, however, that recapture of the Credit does not violate section 22(c) and Rule 22c–1. Applicants argue that the recapture does not involve either of the evils that Rule 22c–1 was intended to eliminate or reduce, namely: (i) The dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or their redemption or repurchase at a price above it, and (ii) other unfair results including speculative trading practices. See Adoption of Rule 22c–1 under the 1940 Act, Investment Company Release No. 5519 (Oct. 16, 1968). To effect a recapture of a Credit, First Allmerica will redeem interests in an owner's Contract at a price determined on the basis of current net asset value of the respective Sub-Accounts. The amount recaptured will equal the amount of the Credit that First Allmerica paid out of its general account assets. Although owners will be entitled to retain any investment gain attributable to the Credit, the amount of such gain will be determined on the basis of the current net asset value of the respective Sub-Accounts. Thus, no dilution will occur upon the recapture of the Credit. Applicants also submit that the second harm that Rule 22c–1 was designed to address, namely, speculative trading practices calculated to take advantage of backward pricing, will not occur as a result of the recapture of the Credit. However, to avoid any uncertainty as to full compliance with the 1940 Act, Applicants request an exemption from the provisions of section 22(c) and Rule 22c–1 to the extent deemed necessary to permit them to recapture the Credit, as described herein, under the Contracts and Future Contracts.

Conclusion

Applicants submit that their request for an order is appropriate in the public interest. Applicants state that such an order would promote competitiveness in the variable annuity market by eliminating the need to file redundant exemptive applications, thereby reducing administrative expenses and maximizing the efficient use of Applicants' resources. Applicants argue that investors would not receive any benefit or additional protection by requiring Applicants to repeatedly seek exemptive relief that would present no issue under the 1940 Act that has not already been addressed in their application described herein. Applicants submit that having them file additional applications would impair their ability effectively to take advantage of business opportunities as they arise. Further, Applicants state that if they were required repeatedly to seek exemptive relief with respect to the same issues addressed in the application described herein, investors would not receive any benefit or additional protection thereby.

Applicants submit, based on the grounds summarized above, that their exemptive request meets the standards set out in section 6(c) of the 1940 Act, namely, that the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act, and that, therefore, the Commission should grant the requested order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15529 Filed 6–19–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44426; File No. SR–CSE–2001–02]

Self-Regulatory Organizations; Notice of Filing of a Proposed Rule Change by the Cincinnati Stock Exchange, Inc. Relating to the Elimination of the Requirement To Expose Market and Marketable Limit Orders for Fifteen Seconds Before Formatting as Intermarket Trading System Trade Commitments

June 14, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 25, 2001, the Cincinnati Stock Exchange, Incorporated (''CSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I, II, and III below, which Items have been prepared by the CSE. The Commission is publishing this notice to solicit comment on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CSE proposes to amend CSE Rules 11.9(o)(2) and 11.9(o)(3) to eliminate the Exchange requirement that public agency market and marketable limit orders be exposed for fifteen seconds to all Approved Dealers[3] before being formatted into an Intermarket Trading System (''ITS'') outbound commitment to trade. The text of the proposed rule change is available at the Office of the Secretary, the CSE and the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CSE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CSE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* CSE Rule 11.9(a)(4) (defining the term ''Approved Dealer''.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to eliminate the Exchange requirement that market and marketable limit orders be exposed for fifteen seconds (the ''Additional Probe'' or ''Additional Probing Requirement'') to all Approved Dealers[4] before being formatted as an ITS outbound commitment to trade. The Operating Committee of the Intermarket Trading System (the ''ITS Committee'' or ''ITSOC'') imposed the Additional Probing Requirement, codified as CSE Rules 11.9(o)(2) and 11.9(o)(3), as a condition for implementing an automated interface with ITS in 1985.[5] The ITS Committee claimed that such an Additional Probe was necessary because the CSE systems would be submitting computer generated commitments to ITS in lieu of using ITS stations located on an exchange floor. The ITSOC's concern was that such a practice would turn ITS into an order routing mechanism on behalf of CSE Members. However, the CSE maintains that the Additional Probing Requirement is an unfair anticompetitive burden upon the CSE because (1) the ITS Plan imposes no such systemic Additional Probing Requirement upon all ITS Participants; (2) the CSE ensures that it satisfies the ITS Plan's restrictions on automated routing practices by operating within the imposed formula restrictions; and (3) the ITS Committee has voted to accept the computer generated commitments of the Pacific Exchange in combination with Archipelago, LLC (''PCX/ARCA'') without an Additional Probing Requirement.

The CSE believes that the imposition of the extraordinary Additional Probing Requirement upon the CSE has always been an unreasonable condition for automated participation in the ITS Plan. The ITS Plan itself does not impose specific Additional Probing Requirements for any ITS Participant, but instead states that ITS Participants should not automatically reroute orders to other ITS Participant markets without first making reasonable efforts to probe the market and achieve satisfactory execution in their own market. Section 8(a)(iv) (''Automated Generation of Commitments'')[6] of the ITS Plan provides that ITS Participants should not routinely use ITS as an order delivery system to reroute a substantial portion of orders to ITS when those orders were originally sent to another Participant market for execution. As section 8(a)(iv) of the ITS Plan requires, ''* * * most orders received within the market of an Exchange Participant are expected to be executed within that market.'' CSE would not violate section 8(a)(iv) without the Additional Probe.

In the CSE's electronic market environment, the CSE represents that every order entering its National Securities Trading System (''NSTS'') is exposed to all open interest on the Exchange. CSE Designated Dealers, in fulfilling their duties as specialists, display their best bids and offers and customer limit orders as required. Unlike in 1986 when the ITS Committee imposed the Additional Probing Requirement, the CSE believes that the Commission's Limit Order Display Rule ensures that any agency interest in a given security is displayed in accordance with the Rule, and therefore subject to execution against contra-side interest. The CSE believes that its electronic market fully complies with section 8(a)(iv) of the ITS Plan. Moreover, with the CSE continuing to be subject to the ITS formula restrictions contained in section 8(e)(iv) of the ITS Plan, the CSE believes that the Additional Probe requirement is a redundant impediment that imposes anti-competitive restrictions on the CSE, while providing little, if any, support to the policies expressed in section 8(a)(iv) of the ITS Plan. The ITS Committee itself has supported this position in a recent action, unanimously approving the 18th Amendment to the ITS Plan.

As part of the approval process for the proposed 18th Amendment to the ITS Plan, which incorporates the configuration of the Pacific Exchange—Archipelago, LLC merger into the ITS Plan, the ITS Committee determined that PCX/ARCA would not be required to implement an Additional Probing Requirement despite the fact that PCX/ARCA computer generates orders into ITS commitments in a manner substantially similar to that of CSE.[7]

[4] *Id.*

[5] The ITS Committee also imposed a formula restriction on CSE outbound commitments, as well as the requirement that all CSE rule filings be submitted for review by the ITS Committee before filing with the Commission.

[6] *See* Section 8(a)(iv) of the ITS Plan. On November 3, 2000, the Commission approved the Fifteenth Amendment to the ITS Plan, which the ITSOC, among other things, relabeled section 8(a)(v) as section 8(a)(iv). *See* Securities Exchange Act Release No. 43520 (Nov. 3, 2000), 65 FR 68165 (Nov. 14, 2000).

[7] On April 16, 2001, the Sub-Committee of the ITS Committee met and determined that the Additional Probing Requirement was not a necessary condition for PCX/ARCA to generate

The ITS Committee's rationale was that PCX/ARCA's Facility Formula [8] provided a sufficient mechanism to comply with section 8(a)(iv) of the ITS Plan. This position was reiterated in a recent letter drafted after the ITSOC's approval of the 18th Amendment to the ITS Operating Committee from the Committee's Chairman.[9] In the letter, the Chairman emphasizes that compliance with the operational parameters (*i.e.*, the PCX/ARCA Facility Formula) would satisfy the requirements of section 8(a)(iv) of the ITS Plan.[10] Although CSE believed that its affirmative vote on the 18th Amendment would be in return for ITSOC support for eliminating CSE's probe, the letter states that the New York Stock Exchange's (''NYSE'') proposal [to eliminate CSE's Additional Probe] was predicated on CSE signing on to the same operational parameters as PCX/ARCA.[11]

The CSE fails to see any rational basis for applying an Additional Probe under the CSE formula, while eliminating the Additional Probe under the PCX/ARCA formula.[12] CSE bases this position on the complete reversal of positions by the NYSE and the ITS Committee. The Additional Probe requirement was originally claimed by the NYSE to be based on the methodology used by Participants to generate ITS commitments. The NYSE has long claimed that the probe requirement is paramount to the formula restriction. The NYSE has stated in the past: ''* * * assuming its compliance with the Plan's probing requirement, it would somewhat lessen our concerns that a primary market function of optimark would be to provide access to the primary market. In that event, we would have some flexibility in establishing the ''ceiling'' numbers in the formula.'' [13]

The CSE believes that the ITSOC has now turned the probe and formula requirements on their respective heads. The ITS Committee proposed that if CSE is willing to accept the PCX/ARCA Formula, it may, with the support of the ITSOC, remove its Additional Probe. What this means is that *the methodology for generating ITS commitments is now secondary* to the limitation on outbound commitments. PCX/ARCA is in compliance with section 8(a)(iv) of the ITS Plan because it has agreed to the limitations contained in the PCX/ARCA Formula. Primarily, PCX/ARCA is subject to an immediate cessation of access, not because it modified its systems to impose a probe. Today, the PCX/ARCA proposal is exactly as it was months ago when the NYSE begain its campaign to require PCX/ARCA to institute an Additional Probe.

If PCX/ARCA need not impose a fifteen second delay before computer generating outbound ITS commitments, CSE believes it should be relieved of that obligation as well. The CSE remains willing to comply with the CSE Formula so as to ensure that it does not send a significant portion of its order flow through ITS. Since the imposition of the formula restriction, CSE has never exceeded its formula limitations. However, based on the recent ITSOC action to emasculate the probe requirement, the CSE respectfully proposes that its Additional Probing Requirement is no longer an ITS requirement, and therefore requests Commission approval of its proposed rule change.

In the interest of maintaining efficient trading rules and in order to conform CSE rules to the rules and procedures of other ITS Participants and the ITS Plan itself, the CSE proposes to eliminate the Additional Probing Requirement contained in CSE Rules 11.9(o)(2) and 11.9(o)(3).

2. Statutory Basis

The proposed rule change is consistent with section 6(b) of the Act in general,[14] and furthers the objectives of sections 6(b)(5) in particular.[15] The proposed rule change is consistent with section 6(b)(5) in that it is designed to promote just and equitable principles of trade and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CSE does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The CSE has neither solicited nor received written comments on the proposed rule change, not necessary or appropriate in furtherance of the purposes of the Act.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange.

automated computerized submissions of ITS formatted trades.

[8] Section 8(a)(ii)(B) (''Percentage of ARCA Facility ITS Volume'') of the proposed 18th Amendment to the ITS Plan.

[9] *See* Letter from Mr. Allen Bretzer, Senior Vice President, CHX, to the ITSOC (May 14, 2001).

[10] *Id.*

[11] *Id.* CSE Rejected the NYSE's proposal because the PCX/ARCA Facility Formula, designed to accommodate PCX/ARCA's market structure, failed to provide a ''period to cure.'' A period to cure is a period of time during which an ITS Participant that has violated the formula restrictions may take appropriate measures to address such violations without being subject to immediate prohibition of ITS use. Immediate cessation of ITS access is unacceptable to the CSE market model and is not contemplated by CSE's current forumla restrictions.

[12] As noted above, the most significant difference between the two formulae is that PCX/ARCA's formula does not provide a period to cure. Apparently, the NYSE will not require an Additional Probe as long as it can ''pull the plug'' on a National Market System participant should such participant violate the PCX/ARCA formula.

[13] *See* letter from Mr. James E. Buck, Senior Vice-President, NYSE, to mr. Jonathan Katz, Secretary,

All submissions should refer to File No. SR–CSE–2001–02 and should be submitted by July 11, 2001.

For the Commission, by the Division of Market Regulation, pursuant to the delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15530 Filed 6–19–01; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3346]

State of Kentucky

Laurel County and the contiguous counties of Clay, Jackson, Knox, McCreary, Pulaski, Rockcastle and Whitley constitute a disaster area due to damages caused by severe storms and tornadoes that occurred on June 2, 2001. Applications for loans for physical damage may be filed until the close of business on August 10, 2001 and for economic injury until the close of business on March 11, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rates are:

For Physical Damage

Homeowners With Credit Available Elsewhere: *6.625%*

Homeowners Without Credit Available Elsewhere: *3.312%*

Businesses With Credit Available Elsewhere: *8.000%*

Businesses and Non-Profit Organizations Without Credit Available Elsewhere: *4.000%*

Others (Including Non-Profit Organizations) With Credit Available Elsewhere: *7.125%*

For Economic Injury

Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere: *4.000%*

The number assigned to this disaster for physical damage is 334611 and for economic injury the number assigned is 9L8500.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 11, 2001.

John Whitmore,

Acting Administrator.

[FR Doc. 01–15454 Filed 6–19–01; 8:45 am]

BILLING CODE 8025–01–U

[16] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3348]

State of Louisiana

As a result of the President's major disaster declaration on June 11, 2001, I find that the following Parishes in the State of Louisiana constitute a disaster area due to damages caused by Tropical Storm Allison occurring on June 5, 2001 and continuing: Ascension, Assumption, East Baton Rouge, Iberville, Lafayette, Lafourche, Livingston, St. Martin, Terrebonne and Vermilion Parishes. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on August 10, 2001, and for loans for economic injury until the close of business on March 11, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous Parishes may be filed until the specified date at the above location: Acadia, Cameron, East Feliciana, Iberia, Jefferson, Jefferson Davis, Pointe Coupee, St. Charles, St. Helena, St. James, St. John The Baptist, St. Landry, St. Mary, Tangipahoa, West Baton Rouge and West Feliciana Parishes in Louisiana.

The interest rates are:

For Physical Damage

Homeowners With Credit Available Elsewhere: *6.625%*

Homeowners Without Credit Available Elsewhere: *3.312%*

Businesses With Credit Available Elsewhere: *8.000%*

Businesses and Non-Profit Organizations Without Credit Available Elsewhere: *4.000%*

Others (Including Non-Profit Organizations) With Credit Available Elsewhere: *7.125%*

For Economic Injury

Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere: *4.000%*

The number assigned to this disaster for physical damage is 334808 and for economic injury the number assigned is 9L8800.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 12, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–15453 Filed 6–19–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3345]

State of West Virginia: Amendment #1

In accordance with a notice received from the Federal Emergency Management Agency, dated June 11 2001, the above-numbered Declaration is hereby amended to include Cabell, Clay, Lincoln, Mason, McDowell, Mingo, Roane, Summers, and Wayne Counties in the State of West Virginia as disaster areas caused by flooding, severe storms, and landslides beginning on May 15, 2001 and continuing.

In addition, applications for economic injury loans from small businesses located in Braxton, Calhoun, Greenbrier, Monroe and Wirt Counties in the State of West Virginia; Buchanan in the State of Virginia; Boyd, Martin, Lawrence and Pike Counties in the State of Kentucky; and Gallia, Lawrence and Meigs Counties in the State of Ohio may be filed until the specified date at the previously designated location. Any counties contiguous to the above named primary counties and not listed here have been previously declared.

The economic injury numbers assigned are 9L8900 for Kentucky and 9L9000 for Ohio.

All other information remains the same, i.e., the deadline for filing applications for physical damage is August 2, 2001, and for loans for economic injury is March 4, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 12, 2001.

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 01–15452 Filed 6–19–01; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Pub. L. 104–13 effective October 1, 1995, The Paperwork Reduction Act of

1995. SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

Written comments and recommendations regarding the information collection(s) should be submitted to the SSA Reports Clearance Officer at the following address: Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–4145, or by writing to him at the address listed above.

1. *Request for Address Information from Motor Vehicles Records, SSA–L711;* Request for Address Information from Employment Commissions Records, SSA–L712—0960–0341. SSA sends the SSA–L711 to State Motor Vehicle Adminstrations to obtain the last known address from driver's license and vehicle registration records. SSA sends the SSA–L712 to State Employment Commissions to obtain last known address from State unemployment/employment wage records. SSA uses the information to locate debtors to arrange for payment of a debt. The respondents are State Motor Vehicle Administrations and State Employment Commissions.

	SSA–L711	SSA–L712
Number of Respondents.	1,300	1,100.
Frequency of Response.	1	1.
Average Burden Per Response.	2 minutes ...	2 minutes.
Estimated Annual Burden.	43 hours	37 hours.

2. *Employee Identification Statement—0960–0473.* The information collected on Form SSA–4156 is needed in scrambled earnings situations when two or more individuals have used the same social security number (SSN), or when an employer (or employers) have reported earnings for two or more employees under the same SSN. The information on the form is used to help identify the individual (and the SSN) to whom the earnings belong. The respondents are employers who have reported erroneous wages.

Number of Respondents: 4,750.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Average Burden: 792 hours.

3. *Plan for Achieving Self-Support—0960–0559.* The information on form SSA–545 is collected by SSA when a Supplemental Security Income (SSI) applicant/recipient desires to use available income and resources to obtain education and/or training in order to become self-supportive. The information is used to evaluate the recipient's plan for achieving self-support to determine whether the plan may be approved under the provisions of the SSI program. The respondents are SSI applicants/recipients who are blind or disabled.

Number of Respondents: 7,000.

Frequency of Response: 1.

Average Burden Per Response: 2 hours.

Estimated Average Burden: 14,000 hours.

4. *Request for the Correction of Earning Records—0960–0029.* Form SSA–7008 is used by individual wage earners to request SSA's review, and if necessary, correction of the Agency's master record of their earnings. The respondents are individuals who question SSA's record of their earnings.

Number of Respondents: 375,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 62,500 hours.

5. *Request for a Deceased Individual's Social Security Record, SSA–711; You Can Make Your Payment by Credit Card for a Deceased Individual's Social Security Record, SSA–714—0960–NEW.* Form SSA–711 is used by SSA to fulfill requests from members of the public who apply for a microprint of the SS–5, Application for Social Security Card, for a deceased individual. SSA provides this information in response to a request from an individual conducting genealogical research. The information collected on Form SSA–714 is used by SSA to process credit card payments from members of the public who request a microprint of the SS–5 in conjunction with the service provided by the Agency through the SSA–711. Respondents to the SSA–711 and 714 are members of the public who request a microprint of the SS–5 of a deceased individual for genealogical research.

	Respondents	Frequency of response	Average burden per response (min)	Estimated annual burden
SSA–711	320,000	1	7	37,333
SSA–714	50,000	1	7	5,833
Total burden hours	.....	.....	.....	43,166

6. *Statement for Determining Continuing Eligibility for Supplemental Security Income Payments—Adult, Form SSA–3988–TEST; Statement for Determining Continuing Eligibility for Supplemental Security Income Payments—Child, Form SSA–3987–TEST—0960–NEW.*

Background

The Social Security Act mandates periodic redeterminations of the non-medical factors that relate to the SSI recipients' continuing eligibility for SSI payments. Recent SSA studies have indicated that as many as ⅔ of all scheduled redeterminations completed, with the assistance of a SSA employee, did not result in any change in circumstances that affected payment. Therefore, SSA will conduct a limited test to determine whether a less intrusive and labor intensive redetermination process could result in significant operational savings and a decrease in recipient inconvenience, while timely obtaining the accurate data needed to determine continuing eligibility through the process.

The Collection

A limited test of forms SSA–3988–TEST and SSA–3987–TEST will be used to determine whether SSI recipients have met and continue to meet all statutory and regulatory non-medical requirements for SSI eligibility, and whether they have been and are still receiving the correct payment amount.

The SSA–3988–TEST and SSA–3987–TEST are designed as self-help forms that will be mailed to recipients or to their representative payees for completion and return to SSA. The test objectives are to determine the public's ability to understand and accurately complete the test forms. The respondents are recipients of SSI benefits or their representatives.

	Respondents	Frequency of response	Average burden per response (min)	Estimated annual burden
SSA–3988–TEST	13,600	1	20	4,533
SSA–3987–TEST	2,400	1	20	800
Total burden hours				5,333

Dated: June 14, 2001.

Frederick W. Brickenkamp,

Reports Clearance Officer.

[FR Doc. 01–15439 Filed 6–19–01; 8:45 am]

BILLING CODE 4191–02–U

DEPARTMENT OF STATE

[Public Notice 3701]

Culturally Significant Objects Imported for Exhibition Determinations: ''Bernardo Bellotto and the Capitals of Europe''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Bernardo Bellotto and the Capitals of Europe,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the exhibition or display of the exhibit objects at The Museum of Fine Arts, Houston from on or about July 29, 2001 to on or about October 21, 2001 is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including the exhibit objects, contact Jacqueline H. Caldwell, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6982). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: June 12, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 01–15540 Filed 6–19–01; 8:45 am]

BILLING CODE 4710–08–U

DEPARTMENT OF STATE

[Public Notice 3700]

Culturally Significant Objects Imported for Exhibition Determinations: ''Gifts to the Tsars 1500—1700, Treasures from the Kremlin''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Gifts to the Tsars 1500–1700, Treasures from the Kremlin,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign lender. I also determine that the exhibition or display of the exhibit objects at the Indianapolis Museum of Art, Indianapolis, IN from on or about September 23, 2001 to on or about January 13, 2002, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–5997). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: June 12, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–15539 Filed 6–19–01; 8:45 am]

BILLING CODE 4710–08–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular 25.775–1X, Windows and Windshields

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Availability of Proposed Advisory Circular (AC) 25.775–1X and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) which provides methods acceptable to the Administrator related to the certification requirements for windows, windshields, and mounting structures of 14 CFR part 25 regarding the type certification requirements for transport airplane structure. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATES: Comments must be received on or before September 18, 2001.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Rich Yarges, Airframe/Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, WA 98055–4056. Comments may also be submitted electronically to the following address: rich.yarges@faa.gov. Comments may be inspected at the above address between 7:30 a.m. and 4 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Rich Yarges, Airframe/Cabin Safety Branch, ANM–115, Transport Airplane

Directorate, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, WA 98055–4056; telephone (425) 227–2143; facsimile (425) 227–1320. Questions may also be submitted electronically to the following address: rich.yarges@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

You may obtain an electronic copy of the advisory circular identified in this notice at the following Internet address: www.faa.gov/avr/air/airhome.htm. If you do not have access to the Internet, you may request a copy by contacting Susan Boylon, Standardization Branch, ANM–113, FAA Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (425) 227–1152.

Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments, as they may desire. Commenters should identify AC 25.775–1X, and submit comments, in duplicate, to the address specified above. The Transport Standards Staff will consider all communications received on or before the closing date for comments before issuing the final AC.

Harmonization of Standards and Guidance

The proposed AC is based on recommendations submitted to the FAA by the Aviation Rulemaking Advisory Committee (ARAC). The FAA tasked ARAC (63 FR 50954, September 23, 1998) to provide advice and recommendations on ''harmonizing'' certain sections of part 25 (including § 25.775) with the counterpart standards contained in Joint Aviation Requirements (JAR) 25. The goal of ''harmonization tasks,'' such as this, is to ensure that:

1. Where possible, standards and guidance do not require domestic and foreign parties to manufacture or operate to different standards for each country involved; and

2. The standards and guidance adopted are mutually acceptable to the FAA and the foreign aviation authorities.

3. The guidance contained in the proposed AC has been harmonized with that of the JAA, and provides a method of compliance that has been found acceptable to both the FAA and JAA.

Discussion

This proposed AC sets forth acceptable methods of compliance with the provisions of 14 CFR 25.775 dealing with the certification requirements for windows, windshields, and mounting structures. Guidance information is provided for showing compliance with that regulation. Other methods of compliance with the requirements may be acceptable.

Issued in Renton, Washington, on June 11, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15486 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Dockets No. FAA–2001–9852; No. FAA–2001–9854]

Notice of Alternative Policy Options for Managing Capacity at LaGuardia Airport and Proposed Extension of the Lottery Allocation; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on alternative policy options for managing capacity and mitigating congestion and delay at LaGuardia Airport (LGA) and the proposed extension of the lottery allocation; Correction.

SUMMARY: This is a correction to an FAA notice that was published on June 12, 2001 (66 FR 31731). That notice requested comments on the feasibility and effectiveness of a limited number of demand management options that could replace the current temporary administrative limits on the number of aircraft operations at LGA which are scheduled to expire on September 15, 2001. The reasons for this correction is that the Port Authority of New York and New Jersey is making a correction in section 3 of the document that it submitted to the FAA, which was attached as an appendix to the June 12, 2001, **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT: Rich Yarges, telephone (425) 227–2143.

Correction

In the **Federal Register** notice FR Doc. 01–14739, published on June 12, 2001 (66 FR 31731), make the following corrections:

1. On page 31737, column 2, in lines 44–45 under section (2), A Potential Auction Based Approach, remove the phrase ''and AIR–21 slot exemptions''.

2. On page 31737, column 3, in lines 2–3, remove the phrase ''and AIR–21 slot exemptions''.

3. On page 31745, column 3, in lines 18–19 under section 3. Allocation and Auction of Reservations, remove the phrase ''and AIR–21 slot exemptions''.

Issued in Washington, DC on June 14, 2001.

Louise Maillett,

Acting Assitant Administrator for Policy, Planning, and International Aviation.

[FR Doc. 01–15487 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 189/ EUROCAE Working Group 53: Air Traffic Services (ATS) Safety and Interoperability Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 189/EUROCAE Working Group 53 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 189/ EUROCAE Working Group 53: Air Traffic Services (ATS) Safety and Interoperability Requirements.

DATES: The meeting will be held July 16–20, 2001 starting at 9 a.m.

ADDRESSES: The meeting will be held at EUROCAE, 17, Rue Hamelin, 75116, Paris, France.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1140 Connecticut Avenue, NW., Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; web site *http://www.rtca.org;* (2) Mr. G. Sainthuile, France; telephone 01 45 05 72 27; fax 01 45 05 72 30; email: *gerard.sainthuile@eurocae.com.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 189/ EUROCAE Working Group 53 meeting. The agenda will include:

July 16

- Plenary Session (Welcome and Introductory Remarks, Review/ Approval of Meeting Agenda, Review/ Approval of Meeting Minutes)
- Sub-group and related reports; Position papers planned for plenary agreement; SC–189/WG–53 co-chair progress report

July 17–19

- PUB, Publications Integration Sub-group and Chair meetings
- INTEROP, Interoperability sub-group

- ICSPR, Initial Continental Safety and Performance Requirements Sub-group
- IOSPR, Initial Oceanic Safety and Performance Requirements Sub-group

July 20

- Plenary Session (Welcome and Introductory Remarks, Review/ Approval of Meeting Agenda, Review/ Approval of Preliminary Meeting Minutes)
- Sub-group and related reports; Position papers planned for plenary agreement; SC–189/WG–53 co-chair progress report and wrap-up

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 4, 2001.

Jane P. Caldwell,

Program Director, System Engineering Resource Management.

[FR Doc. 01–15488 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 198: Next-Generation Air/Ground Communications System (NEXCOM)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 198 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 198: Next-Generatiaon Air/Ground Communications System (NEXCOM).

DATES: The meeting will be held on June 28, 2001, starting at 9:00 a.m.

ADDRESSES: The meeting will be held at RTCA Headquarters, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1140 Connecticut Avenue, NW., Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 198 meeting. *NOTE: WG–1, ''Response,'' will meet at RTCA June 29, 2001; WG–2, ''Principles,'' will meet at RTCA June 26–27, 2001.* The agenda will include:

June 28

- Opening Session (Welcome and Introductory Remarks, Review Minutes of Previous Meeting, Introduction of Working Group Chairs and Secretaries).
- Review Position Papers for WG–1 and Second Draft of WG–1 Response to Chairman's Report.
- Review Position Papers for WG–2 and Revised Draft of WG–2 Principles of Operation.
- Working Groups Review Status of Action Items.
- Closing Session (Date and Place of Next Meeting).

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 4, 2001.

Jane P. Caldwell,

Program Director, System Engineering Resource Management.

[FR Doc. 01–15489 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 199: Airport Security Access Control Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 199 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 199: Airport Security Access Control Systems.

DATES: The meeting will be held on July 10, 2001 from 1–5 pm.

ADDRESSES: The meeting will be held at RTCA Headquarters, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1140 Connecticut Avenue, NW., Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 199 meeting. Note: Special Committee 199 is tasked to revise RTCA DO–230, Standards for Airport Security Access Control Systems. In performing its duties, Special Committee 199 should: (1) Give special consideration to the new Federal Aviation Regulation (FAR) Parts 107 and 108. These FARs are scheduled for release in the near future. (2) Consider the draft document entitled ''Requirements Security Guidelines for Airport Planning, Design and Construction.'' An industry group prepared this document during the last two years. (3) Consider all technical developments and advances made since the publication of DO–230, (4) Include consideration of operational and implementation experience since the publication of DO–230. The agenda will include:

July 10

- Opening Session (Welcome and Introductory Remarks, Agenda Overview, RTCA Functional Overview, Previous Committee History)
- Current Committee Scope, Terms of Reference Overview, Presentation, Discussion, Recommendations
- Organization of work, Assign Tasks and Workgroups, Presentation, Discussion, Recommendations, Assignment of Responsibilities
- Closing Session (Other Business, Establish Agenda for Next Meeting, Date and Place of Next Meeting)

Attendance is open to interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 13, 2001.

Janice L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

[FR Doc. 01–15490 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 196: Night Vision Goggle (NVG) Appliances and Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 196 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 199: Night Vision Goggle (NVG) Appliances and Equipment.

DATES: The meeting will be held July 11–13, 2001, starting at 9 .am.

ADDRESSES: The meeting will be held at RTCA, Inc., 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1140 Connecticut Avenue, NW., Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 196 meeting. The agenda will include:

July 11, 12, 13

- Opening Session (Welcome and Introductory Remarks, Agenda Overview, Approve Minutes of Previous Meeting, Action Item Status Review).
- Overview of SC–196 Working Group Activities.

—Operational Concept/Requirements
—Minimum Operational Performance Standard (MOPS)—Night Vision Imaging Systems Equipment
—Working Group 5 (Training Guidelines/Considerations)

- MOPS Final Comments and Review; MOPS Program Management Committee Comment/Review Process
- Open Issue List Review
- Closing Session (Other Business, Training Working Group and Document Goals, Establish Agenda for Next Meeting, Date and Place of Next Meeting)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 13, 2001.

Janice L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

[FR Doc. 01–15491 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of the PFC Approvals and Disapprovals. In May 2001, there were five applications approved. Additionally, eight approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansions Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

1. *Public Agency:* County of Alpena, Alpena, Michigan.

Application Number: 01–01–C–00–APN.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $268,480.

Earliest Charge Effective Date: August 1, 2001.

Estimated Charge Expiration Date: November 1, 2009.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Taxiway hold line signs and radio control
Runway 19 precision approach path indicator and runway end identifier lights
Groove and mark runway 1/19
Rehabilitate runway 7/25 and medium intensity runway lighting
New field lighting and air traffic control tower electrical modifications
Runway/taxiway signage and marking
Rehabilitate and expand terminal apron
Deer control fencing
Rehabilitate high intensity runway lights, runway 1/19, taxiway lights, and reconstruct taxiway D (engineering only)
Rehabilitate high intensity runway lights, runway 1/19, and taxiway lights
Reconstruct taxiway D
Surface treatment, runway 1/19, with paved shoulders, bituminous overlay of taxiways H and C, alert taxiway, and holding apron (engineering only)
Surface treat, runway 1/19, with paved shoulders; bituminous overlay of taxiways H and C, alter taxiway, and holding aprons

Decision Date: May 8, 2001.

For Further Information Contact: Jon Gilbert, Detroit Airports District Office, (734) 487–7281.

2. *Public Agency:* Texas A&M University, College Station, Texas.

Application Number: 01–04–C–00–CLL.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $1,174,445.

Earliest Charge Effective Date: September 1, 2002.

Estimated Charge Expiration Date: November 1, 2005.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Acquire two loading bridges
Extend taxiway H
Conduct master plan study
Security and access improvements
PFC administrative costs

Decision Date: May 11, 2001.

For Further Information Contact: G. Thomas Wade, Southwest Region Airports Division, (817) 222–5613.

3. *Public Agency:* Capital Region Airport Commission, Richmond, Virginia.

Application Number: 01–04–C–00–RIC.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $4,570,342.

Earliest Charge Effective Date: July 1, 2015.

Estimated Charge Expiration Date: November 1, 2016.

Class of Air Carriers Not Required To Collect PFC's: Part 135 on-demand air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Richmond International Airport.

Brief Description of Projects Approved for Collection and Use:

Expand concourse C and apron
Extend taxiway U
Repair/replace storm drain system runway 2/20
Fluid collection, treatment, and recovery system
Refurbish existing concourse and terminal

Decision Date: May 17, 2001.

For Further Information Contact: Arthur Winder, Washington Airports District Office, (703) 661–1363.

4. *Public Agency:* Bert Mooney Airport Authority, Butte, Montana.

Application Number: 01–05–C–00–BTM.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $185,280.

Earliest Charge Effective Date: August 1, 2004.

Estimated Charge Expiration Date: January 1, 2006.

Class of Air Carriers Not Required To Collect PFC's: On-demand non-scheduled air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Bert Mooney Airport.

Brief Description of Projects Approved for Collection and Use:

Acquire snow removal equipment
Install security fence segment
Acquire passenger access lift
Pavement condition index survey, phase 3
Rehabilitate a portion of taxiway C and a portion of taxiway D
Install distance-to-go signs and runway end identifier lights on runway 11/29

Brief Description of Project Approved in Part for Collection and Use:

Airport vehicle radio replacement program.

Determination: Partially approved. A portion of this project is Airport Improvement Program (AIP) eligible in accordance with paragraph 560 of FAA Order 5100.38A, AIP Handbook (October 24, 1989). However, that eligibility is limited to vehicles which are AIP eligible, specifically aircraft rescue and firefighting and snow removal equipment vehicles. In addition to the eligible vehicles, the public agency proposed to install radios in maintenance vehicles that are not AIP eligible. Consequently, the installation of radios in maintenance vehicles is not PFC eligible.

Decision Date: May 22, 2001.

For Further Information Contact: David P. Gabbert, Helena Airports District Office, (406) 449–5271.

5. *Public Agency:* City and Bureau of Juneau, Juneau, Alaska.

Application Number: 01–03–C–00–JNU.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $310,551.

Earliest Charge Effective Date: August 1, 2001.

Estimated Charge Expiration Date December 1, 2001.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use: Runway safety area expansion, phase I. Runway safety area Environmental Impact Statement. Recovery of PFC administrative costs. Terminal roof and exterior wall rehabilitation. Acquire aircraft rescue and firefighting vehicle. Acquire land for noise compatibility within 65 day-night average sound level.

Decision Date: May 30, 2001.

For Further Information Contact: Debbie Roth, Alaska Region Airports Division, (907) 271–5443.

Amendments to PFC Approvals

Amendment No., city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
96–02–C–01–BOI Boise, ID	05/04/01	$9,646,0900	$11,274,478	10/01/00	08/01/01
*98–01–C–01–KTN Ketchikan, AK	05/11/01	6,419,400	6,644,400	02/01/18	04/01/18
*99–03–C–01–BOI Boise, ID	05/14/01	75,631,748	75,631,748	08/01/16	04/01/13
*96–01–C–01–MYR Myrtle Beach, SC	05/29/01	13,819,500	13,819,500	07/01/05	05/01/03
*97–02–C–01–MYR Myrtle Beach, SC	05/29/01	14,121,635	14,121,635	07/01/10	01/01/08
*97–01–C–01–DHN Dothan, AL	05/30/01	5,515,948	5,515,948	12/01/28	12/01/20
96–02–C–01–OTH North Bend, OR	05/31/01	68,731	96,916	04/01/99	12/01/99
*99–04–C–01–OTH North Bend, OR	05/31/01	103,610	164,500	12/01/03	05/01/03

(**Note:** The amendment denoted by an asterisk(*) include a change to the PFC level charged from $3.00 per enplaned passenger to $4.50 per enplaned passenger. For Ketchikan, AK, Boise, ID, Myrtle Beach, SC, Dothan, AL, and North Bend, OR, this change is effective on August 1, 2001.)

Issued in Washington, DC, on June 14, 2001.

Eric Gabler,

Manager, Passenger Facility Charge Branch.

[FR Doc. 01–15492 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; General Motors

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the petition of General Motors Corporation (GM) for an exemption of a high-theft line, the Pontiac Grand Prix, from the parts-marking requirements of the Federal Motor Vehicle Theft Prevention Standard. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard.

DATES: The exemption granted by this notice is effective beginning with model year (MY) 2003.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 200 Seventh Street, SW., Washington, DC

20590. Ms. Proctor's telephone number is (202) 366–0846. Her fax number is (202) 493–2290.

SUPPLEMENTARY INFORMATION: In a petition dated February 22, 2001, General Motors Corporation (GM), requested an exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541) for the Pontiac Grand Prix vehicle line beginning with MY 2003.

The petition is pursuant to 49 CFR part 543, Exemption From Vehicle Theft Prevention Standard, which provides for exemptions based on the installation of an antitheft device as standard equipment on a vehicle line.

Section 33106(b)(2)(D) of Title 49, United States Code, authorized the Secretary of Transportation to grant an exemption from the parts marking requirements for not more than one additional line of a manufacturer for MYs 1997–2000. However, it does not address the contingency of what to do after model year 2000 in the absence of a decision under section 33103(d). 49 U.S.C. 33103(d)(3) states that the number of lines for which the agency can grant an exemption is to be decided after the Attorney General completes a review of the effectiveness of antitheft devices and finds that antitheft devices are an effective substitute for parts marking. The Attorney General has not yet made a finding and has not decided the number of lines, if any, for which the agency will be authorized to grant an exemption. Upon consulting with the Department of Justice, we determined that the appropriate reading of section 33103(d) is that the National Highway Traffic Safety Administration (NHTSA) may continue to grant parts-marking exemptions for not more than one additional model line each year, as specified for model years 1997–2000 by 49 U.S.C. 33106(b)(2)(C). This is the level contemplated by the Act for the period before the Attorney General's decision. The final decision on whether to continue granting exemptions will be made by the Attorney General at the conclusion of the review pursuant to section 330103(d)(3).

GM's submission is considered a complete petition as required by 49 CFR 543.7, in that it met the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In its petition, GM provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for that vehicle line. GM will install its PASS-Key III antitheft device as standard equipment on its MY 2003 Pontiac Grand Prix vehicle line. GM stated that the PASS-Key III device provides the same kind of functionality as the PASS-Key and PASS-Key II devices, which have been the basis for exemptions previously granted to GM. However, the PASS-Key III device uses more advanced technology than the PASS-Key II device and provides new features and refinements.

GM compared the PASS-Key III device proposed for the Pontiac Grand Prix line with its first generation PASS-Key device, which the agency has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements. The PASS-Key III device utilizes a special ignition key and decoder module. The conventional mechanical key unlocks and releases the transmission lever. Before the vehicle can be operated, the key's electrical code must be sensed by the key cylinder and properly decoded by the decoder module.

Specifically, the PASS-Key III device uses a transponder embedded in the head of the key which is excited by a coil surrounding the key cylinder. The transponder in the key then emits a modulated signal at a specified radio frequency. The identity of the key is a unique code within the modulated signal. The key cylinder coil receives and sends the modulated signal to the decoder. When the decoder module recognizes a valid key code, it sends a encoded message to the Powertrain Control Module (PCM) to enable fuel flow and starter operation. If an invalid key is detected, the PASS-Key III decoder module will transmit a different password to the PCM to disable fuel flow and starter operation.

The PASS-Key III device has the potential for over four trillion unique electrical key codes. GM believes that the sheer volume of these codes is a highly effective deterrent to the common intruder. The PASS-Key III device is designed to shut down for three to four minutes if an invalid key is detected, preventing further attempts to start the vehicle during that shutdown.

GM states that the design and assembly process of the PASS-Key III device and components are validated for a vehicle life of 10 years and 150,000 miles of performance. In order to ensure the reliability and durability of the device, GM conducted tests, based on its own specified standards. GM provided a detailed list of the tests conducted. GM stated its belief that the device is reliable and durable since it complied with the specified requirements for each test.

GM stated that its PASS-Key III device will provide protection against unauthorized use of the vehicle. The device is activated when the owner/operator turns off the ignition of the vehicle and removes the key. According to GM, no other intentional action is necessary to achieve protection of the vehicle other than removing the key from the ignition. The PASS-Key III is designed to be active at all times without direct intervention by the operator. Visible or audible reminders beyond the key warning buzzer will not be provided.

GM stated that the theft rates, as reported by the National Crime Information Center, are lower for GM models equipped with PASS-Key devices which have been granted exemptions from the parts-marking requirements than theft rates for similar, earlier models that have been parts-marked. Therefore, GM concludes that the PASS-Key-like devices are more effective in deterring motor vehicle theft than the parts-marking requirements of 49 CFR part 541.

Further, GM states that the PASS-Key III device has been designed to significantly enhance the functionality and theft protection provided by earlier generations of PASS-Key devices. Based on the performance of PASS-Key and PASS-Key II devices on other GM models, and the advanced technology utilized in the PASS-Key III device, GM believes that the PASS-Key III device will be more effective in deterring theft than the parts-marking requirements of 49 CFR Part 541.

GM also stated that as with previous PASS-Key devices, the PASS-Key III device will not provide any visible or audible indication of unauthorized entry. However, based on comparison of the reduction in theft rates of Chevrolet Corvettes using a passive antitheft device and an audible/visible alarm with the reduction in theft rates for the Chevrolet Camaro and Pontiac Firebird models equipped with a passive antitheft device without an alarm, GM believes that an alarm or similar attention attracting device is not necessary and does not compromise the antitheft performance of their systems.

The agency notes that the reason that the vehicle lines whose theft data GM cites in support of its petition received only a partial exemption from parts-marking was that the agency did not believe that the antitheft devices on these vehicles (PASS-Key and PASS-Key II) by itself would be as effective as parts-marking in deterring theft because it lacked an alarm system. On that basis, it decided to require GM to mark the vehicle's most interchangeable parts

(the engine and transmission), as a supplement to the antitheft device. Like those earlier antitheft devices GM used, the device on which this petition is based also lacks an alarm system. Accordingly, it cannot perform one of the functions listed in 49 CFR part 543.6(a)(3), that is, it cannot call attention to unauthorized attempts to enter or move the vehicle.

After deciding those petitions, however, the agency obtained theft data that show declining theft rates for GM vehicles equipped with either version of the PASS-Key device. Based on that data, it concluded that the lack of a visible or audible alarm had not prevented the antitheft device from being effective protection against theft and granted two GM petitions for full exemptions for four car lines equipped with the PASS-Key II device. The agency granted in full the petition for the Buick Riviera and Oldsmobile Aurora car lines beginning with model year 1995, (see 58 FR 44872, August 25, 1993), and the Chevrolet Lumina (Lumina/Monte Carlo) and Buick Regal car lines beginning with model year 1996, (see 60 FR 25938, May 15, 1995). In those instances, the agency concluded that a full exemption was warranted because PASS-Key II had shown itself as likely as parts-marking to be effective protection against theft despite the absence of a visible or audible alarm.

The agency concludes that, given the similarities between the PASS-Key III device and the earlier PASS-Key devices (PASS-Key and PASS-Key II), it is reasonable to assume that PASS-Key III device, like those devices, will be as effective as parts-marking in deterring theft. The agency believes that the device will provide the other types of performance listed in 49 CFR 543.6(a)(3): promoting activation; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

NHTSA has also granted for four petitions for modification of an exemption in full for seven car lines which have the ''PASS-Key III'' device as standard equipment. Those lines are the Buick Park Avenue (see 61 FR 25734, May 22, 1996) beginning with the 1997 model year, the Cadillac Seville (see 62 FR 20058, April 24, 1997) beginning with the 1998 model year, the Cadillac DeVille, Pontiac Bonneville, Buick LeSabre and Oldsmobile Aurora (see 64 FR 29736, June 2, 1999) and the Chevrolet Venture (see 66 FR 24179, May 11, 2001) beginning with the 2002 model year.

As required by 49 U.S.C. 33106 and 49 CFR 543.6(a)(4) and (5), the agency finds that GM has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information GM provided about its antitheft device, some of which includes confidential information describing reliability and functional tests conducted by GM for the antitheft device and its components. GM requested confidential treatment for some of the information and attachments submitted in support of its position. In a letter to GM dated March 22, 2001, the agency granted the petitioner's request for confidential treatment of these materials.

For the foregoing reasons, the agency hereby grants in full GM's petition for exemption for the MY 2003 Pontiac Grand Prix vehicle line from the parts-marking requirements of 49 CFR part 541.

If GM decides not to use the exemption for this line, it must notify the agency formally, and thereafter must mark the line fully as required by 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if GM wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. § 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further § 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency did not intend in drafting part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis.* The agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized by *de minimis,* it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: June 14, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–15493 Filed 6–19–01; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 12, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 20, 2001 to be assured of consideration.

Departmental Offices/Office of Financial Institutions Policy

OMB Number: 1505–0179.

Form Number: None.

Type of Review: Extension.

Title: Financial Subsidiaries (Interim Final Rule).

Description: Pursuant to Section 5136A(b)(3) of the Revised Statutes, the interim rule finds three general types of activities to be financial in nature, and creates a mechanism by which national banks or others may request that the Secretary define particular activities within one of the three categories.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 5.

Estimated Burden Hours Per Respondent: 20 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 100 hours.

OMB Number: 1505–0182.

Form Number: None.

Type of Review: Extension.

Title: Merchant Banking Investments.

Description: The rule requires financial holding companies engaged in merchant banking activities to have and maintain certain policies, procedures, records and systems to monitor and manage such activities and the risks associated with such activities in a safe and sound manner.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 450.

Estimated Burden Hours Per Recordkeeper: 50 hours.

Frequency of Response: On occasion.

Estimated Total Recordkeeping Burden: 22,500 hours.

Clearance Officer: Lois K. Holland (202) 622–1563, Departmental Offices, Room 2110, 1425 New York Avenue, NW, Washington, DC 20220.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01–15532 Filed 6–19–01; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 12, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 20, 2001 to be assured of consideration.

U.S. Customs Service (CUS)

OMB Number: 1515–0206.

Form Number: None.

Type of Review: Extension.

Title: Voluntary Customer Information Surveys in Support of Executive Order 12862.

Description: These voluntary customer surveys are used to implement E.O. 12862 by obtaining quantitative customer data for the purpose of evaluating customer satisfaction.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions.

Estimated Number of Respondents: 6,500.

Estimated Burden Hours Per Respondent: 25 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 2,750 hours.

Clearance Officer: J. Edgar Nichols (202) 927–1426 or, Tracey Denning (202) 927–1429,U.S. Customs Service,Information Services Branch,Ronald Reagan Building, 1300 Pennsylvania Avenue, NW.,Room 3.2.C,Washington, DC 20229.

OMB Reviewer: Alexander T. Hunt (202) 395–7860,Office of Management and Budget,Room 10202, New Executive Office Building,Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01–15533 Filed 6–19–01; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 13, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 20, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0798.

Regulation Project Number: 26 CFR 31.6001.

Type of Review: Extension.

Title: 26 CFR 31.6001–1 *Records in General;* 26 CFR 31.6001–2 *Additional Records under FICA;* 26 CFR 31.6001–3 *Additional Records Under Railroad Retirement Tax Act;* 26 CFR 31.6001–5 *Additional Records in Connection with Collection of Income Tax at Source on Wages;* 26 CFR 31.6001–6 *Notice by District Director Requiring Returns, Statements, or the Keeping of Records.*

Description: Internal Revenue Code (IRC) section 6001 requires, in part, that every person liable for tax, or for the collection of that tax keep such records and comply with such rules and regulations as the Secretary may from time to time prescribe. 26 CFR 31.6001 has special application to employment taxes. These records are needed to ensure compliance with the Code.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Recordkeepers: 5,676,263.

Estimated Burden Hours Per Recordkeeper: 5 hours, 20 minutes.

Estimated Total Recordkeeping Burden: 30,273,950 hours.

OMB Number: 1545–0800.

Regulation Project Number: Reg. 601.601.

Type of Review: Extension.

Title: Rules and Regulations.

Description: Persons wishing to speak at a public hearing on a proposed rule must submit written comments and an outline within prescribed time limits, for use in preparing agendas and allocating time. Persons interested in the issuance, amendment, or repeal of a rule may submit a petition for this. IRS considers the petitions in its deliberations.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents: 600.

Estimated Burden Hours Per Respondent: 1 hour, 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 900 hours.

OMB Number: 1545–0807.

Regulation Project Number: LR 2013 (TD 7533) Final and EE–155–78 (TD 7896) Final.

Type of Review: Extension.

Title: Disc Rules on Procedures and Administration; Rules on Export Trade Corporations (LR 2013); and Income From Trade Shows (EE–155–78).

Description: Section 1.6071–1(b) requires that when a taxpayer files a late return for a short period, proof of unusual circumstances for late filing must be given to the District Director. Sections 1.6072 (b), (c), (d), and (e) of the Internal Revenue Code (IRC) deals with the filing dates of certain corporate returns. Regulation section 1.6072–2 provides additional information concerning these filing dates. The information is used to insure timely filing of corporate income tax returns.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms, State, Local or Tribal Government.

Estimated Number of Respondents: 12,417.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 3,104 hours.

OMB Number: 1545–0834.

Form Number: None.

Type of Review: Extension.

Title: Regulations under Tax Conventions—Ireland.

Description: This information is needed to secure for individuals and businesses the benefits to which they are entitled under the tax convention and to facilitate the administration and enforcement of the tax laws of the United States.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents: 20.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 5 hours.

OMB Number: 1545–0930.

Form Number: IRS Form 8396.

Type of Review: Extension.

Title: Mortgage Interest Credit.

Description: Form 8396 is used by individual taxpayers to claim a credit against their tax for a portion of the interest paid on a home mortgage in connection with a qualified mortgage credit certificate. Internal Revenue Code (IRC) section 25 allows the credit and IRC section 163(g) provides that the interest deduction on Schedule A will be reduced by the credit.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 30,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

	Minutes
Recordkeeping	46
Learning about the law or the form	5
Preparing the form	28
Copying, assembling, and sending the form to the IRS	14

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 46,500 hours.

OMB Number: 1545–1112.

Regulation Project Number: IA–96–88 Final.

Type of Review: Extension.

Title: Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988 and the Redesignation of Certain Other Temporary Elections Regulations.

Description: These regulations establish various elections with respect to which immediate interim guidance on the time and manner of making the elections is necessary. These regulations enable taxpayers to take advantage of the benefits of various Code provisions.

Respondents: Individuals or households, Business or other for-profit, Not-for-profit institutions, Farms, State, Local or Tribal Government.

Estimated Number of Respondents: 24,305.

Estimated Burden Hours Per Respondent: 17 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 6,712 hours.

OMB Number: 1545–1156.

Regulation Project Number: Reg. 1.6001–1.

Type of Review: Extension.

Title: Records.

Description: Internal Revenue Code section 6001 requires, in part, that every person liable for tax, or for the collection of that tax, keep such records and comply with such rules and regulations as the Secretary may from time to time prescribe. These records are needed to ensure proper compliance with the Code.

Respondents: Individuals or households, Business or other for-profit, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Recordkeepers: 1.

Estimated Burden Hours Per Recordkeeper: 1 hour.

Estimated Total Recordkeeping Burden: 1 hour.

OMB Number: 1545–1600.

Regulation Project Number: REG–251703–96 Final.

Type of Review: Revision.

Title: Residence of Trusts and Estates—7701.

Description: This regulation provides the procedure and requirements for making the election to remain a domestic trust.

Respondents: Individuals or households.

Estimated Number of Respondents: 222.

Estimated Burden Hours Per Respondent: 31 minutes.

Frequency of Response: Other (one-time).

Estimated Total Reporting Burden: 114 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01–15534 Filed 6–19–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review;

Comment Request

June 13, 2001

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before July 20, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0026.

Form Number: IRS Form 926.

Type of Review: Revision.

Title: Return by a U.S. Transferor of Property to a Foreign Corporation.

Description: U.S. persons file Form 926 to report the transfer of property to a foreign corporation and to report information required by section 367. The IRS uses Form 926 to determine if the gain, if any, must be recognized by the U.S. person.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeepers: 1,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 6 hr., 13 min.

Learning about the law or the form: 4 hr., 4 min.

Preparing and sending the form to the IRS: 4 hr., 21 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 14,640 hours.

OMB Number: 1545–0067.

Form Number: IRS Form 2555.

Type of Review: Extension.

Title: Foreign Earned Income.

Description: Form 2555 is used by U.S. citizens and resident aliens who qualify for the foreign earned income exclusion and/or the foreign housing

exclusion or deduction. This information is used by the Service to determine if a taxpayer qualifies for the exclusion(s) or deduction.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 286,955.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 1 hr., 52 min.
Learning about the law or the form: 26 min.
Preparing the form: 1 hr., 47 min.
Copying, assembling, and sending the form to the IRS: 49 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 1,403,210 hours.

OMB Number: 1545–0409.

Form Number: IRS Forms 211 and 211(SP).

Type of Review: Revision.

Title: Application for Reward for Original Information (211); and Solicitud de Recompensa por Informacion Original (Spanish Version) (211(SP).

Description: Forms 211 and 211(SP) are the official forms used by persons requesting rewards for submitting information concerning alleged violations of the tax laws by other persons. Such rewards are authorized by Internal Revenue Code (IRC) 7623. The data is used to determine and pay rewards to those persons who voluntarily submit information.

Respondents: Individuals or households.

Estimated Number of Respondents: 11,200.

Estimated Burden Hours Per Respondent: 15 minutes for each form.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 2,800 hours.

OMB Number: 1545–0575.

Form Number: IRS Form 5330.

Type of Review: Extension.

Title: Return of Excise Taxes Related to Employee Benefit Plans.

Description: Code section 4971, 4972, 4973(a)(3), 4975, 4976, 4977, 4978, 4978A, 4978B, 4979, 4979A and 4980 impose various excise taxes in connection with employee benefit plans. Form 5330 is used to compute and collect these taxes.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 8,403.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 18 hr., 39 min.
Learning about the law or the form: 8 hr., 56 min.
Preparing and sending the form to the IRS: 9 hr., 37 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 312,844 hours.

OMB Number: 1545–0597.

Form Number: IRS Form 4598.

Type of Review: Revision.

Title: Form W–2 or 1099 Not Received or Incorrect.

Description: Employers and/or payers are required to furnish Forms W–2 or 1099 to employees and other payees. This three part form is necessary for the resolution of taxpayers complaints concerning the non-receipt of or incorrect Forms W–2 or 1099.

Respondents: Individuals or households, Business or other for-profit, Farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents: 850,000.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 212,500 hours.

OMB Number: 1545–0747.

Form Number: IRS Form 5498.

Type of Review: Extension.

Title: IRA Contribution Information.

Description: Form 5498 is used by trustees and issuers to report contributions to, and the fair market value of, an individual retirement arrangement.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 81,208,141.

Estimated Burden Hours Per Respondent/Recordkeeper: 12 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 16,241,629 hours.

OMB Number: 1545–0796.

Form Number: IRS Form 6524.

Type of Review: Extension.

Title: Office of Chief Counsel—Application.

Description: The Chief Counsel Application form provides data we deem critical for evaluating an attorney applicants qualifications such as LSAT score, bar admission status, type of work preference, law school, class standing. OF–306 does not provide this information.

Respondents: Individuals or households.

Estimated Number of Respondents: 3,000.

Estimated Burden Hours Per Respondent: 18 minutes.

Estimated Total Reporting Burden: 900 hour.

OMB Number: 1545–0814.

Regulation Project Number: EE–44–78 Final.

Type of Review: Extension.

Title: Cooperative Hospital Service Organizations.

Description: This regulation establishes the rules for cooperative hospital service organizations which seek tax-exempt status under section 501(e) of the Internal Revenue Code. Such an organization must keep records in order to show its cooperative nature and to establish compliance with other requirements in section 501(c).

Respondents: Not-for-profit institutions.

Estimated Number of Recordkeepers: 1.

Estimated Burden Hours Per Recordkeeper: 1 hour.

Estimated Total Recordkeeping Burden: 1 hour.

OMB Number: 1545–0820.

Regulation Project Number: EE–86–88 NPRM (Previously LR–279–81).

Type of Review: Extension.

Title: Incentive Stock Options.

Description: The affected public includes corporations that transfer stock to employees after 1979 pursuant to the exercise of a statutory stock option. The corporation must furnish the employee receiving the stock with a written statement describing the transfer. The statement will assist the employee in filing their tax return.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 50,000.

Estimated Burden Hours Per Respondent: 20 minutes.

Estimated Total Reporting Burden: 16,650 hours.

OMB Number: 1545–0997.

Form Number: IRS Form 1099–S.

Type of Review: Extension.

Title: Proceeds From Real Estate Transactions.

Description: Form 1099–S is used by the real estate reporting person to report proceeds from a real estate transaction to the IRS.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 75,000.

Estimated Burden Hours Per Respondent/Recordkeepers: 8 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 510,456 hours.

OMB Number: 1545–1153.

Regulation Project Number: PS–73–89 (TD 8370) Final.

Type of Review: Extension.

Title: Excise Tax on Chemicals That Deplete the Ozone Layer and on Products Containing Such Chemicals.

Description: Section 4681 imposes a tax on ozone-depleting chemicals sold or used by a manufacturer or importer thereof. A floor stocks tax is also imposed. This regulation provides reporting and recordkeeping rules.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 150,316.

Estimated Burden Hours Per Respondent/Recordkeeper: 30 minutes.

Estimated Total Reporting/ Recordkeeping Burden: 75,142 hours.

OMB Number: 1545–1622.

Form Number: IRS Form 8866.

Type of Review: Extension.

Title: Interest Computation Under the Look-Back Method for Property Depreciated Under the Income Forecast Method.

Description: Taxpayers depreciating property under the income forecast method and placed in service after September 13, 1995, must use Form 8866 to compute and report interest due or to be refunded under IRC 167(g)(2). The IRS uses Form 8866 to determine if the interest has been figured correctly.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 5,000.

Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping: 9 hr., 34 min.
Learning about the law or the form: 1 hr., 5 min.
Preparing, copying, assembling, and sending the form to the IRS: 1 hr., 18 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 59,800 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01–15535 Filed 6–19–01; 8:45 am].

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Tax Deferral Bond—Distilled Spirits (Puerto Rico).

DATES: Written comments should be received on or before August 20, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Marjorie Ruhf, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202) 927–8202.

SUPPLEMENTARY INFORMATION:

Title: Tax Deferral Bond—Distilled Spirits (Puerto Rico).

OMB Number: 1512–0209.

Form Number: ATF F 5110.50.

Abstract: A manufacturer who ships distilled spirits from Puerto Rico to the U.S. may either choose to pay the tax prior to shipment or file a bond and defer payment of taxes. ATF F 5110.50 is the bond form which a manufacturer in Puerto Rico must file if such manufacturer elects to defer the taxes for payment on a semi-monthly tax return system. The form may be destroyed 5 years after discontinuance of business or after all outstanding liabilities have been satisfied, or after elimination of the requirement for the bond.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 10.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 10.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchases of services to provide information.

Dated: June 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–15494 Filed 6–19–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Application For Permit Under 26 U.S.C. Chapter 52, Manufacturer of Tobacco Products Importer of Tobacco Products, or Proprietor of Export Warehouse and Application for Amended Permit Under 26 U.S.C. 5712, Manufacturer of Tobacco Products Importer of Tobacco Products, or Proprietor of Export Warehouse.

DATES: Written comments should be received on or before August 20, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650

Massachusetts Avenue, NW., Washington, DC 20720 (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Robert Ruhf, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Title: Application For Permit Under 26 U.S.C. Chapter 52, Manufacturer of Tobacco Products Importer of Tobacco Products, or Proprietor of Export Warehouse and Application For Amended Permit Under 26 U.S.C. 5712, Manufacturer of Tobacco Products Importer of Tobacco Products, or Proprietor of Export Warehouse.

OMB Number: 1512–0398.

Form Number: ATF F 2093 (5200.3), ATF F 2098 (5200.16), ATF F 5230.4, ATF F 5230.5.

Abstract: The forms are used by the tobacco industry members to obtain and amend permits necessary to engage in business as a manufacturer of tobacco products, importer of tobacco products, or proprietor of a export warehouse.

Current Actions: Item 5 on ATF F 5230.4 is a requirement for submission of corporate, partnership or association documents. Instruction 7. is new and coincides with the new requirement. The adjustment in burden hours is associated with an improved estimate for the number of respondents, especially for the applications submitted for importers of tobacco products.

Type of Review: Revision.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 630.

Estimated Time Per Respondent: 6 hours for all forms.

Estimated Total Annual Burden Hours: 1,130.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–15495 Filed 6–19–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Notice of Change in Status of Plant.

DATES: Written comments should be received on or before August 20, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Jim Ficaretta, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202) 927–8230.

SUPPLEMENTARY INFORMATION:

Title: Notice of Change in Status of Plant.

OMB Number: 1512–0202.

Form Number: ATF F 5110.34.

Abstract: ATF F 5110.34 is necessary to show the use of distilled spirits plant premises for other activities or by alternating proprietors. It describes the proprietor's use of plant premises and other information to show that the change in plant status is in conformity with laws and regulations.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 100.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 1,000.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–15496 Filed 6–19–01; 8:45 am]

BILLING CODE 4810–31–P

Corrections

Federal Register

Vol. 66, No. 119

Wednesday, June 20, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 435

[FRL–6929–8]

RIN 2040–AD14

Effluent Limitations Guidelines and New Source Performance Standards for the Oil and Gas Extraction Point Source Category; OMB Approval Under the Paperwork Reduction Act: Technical Amendment

Correction

In rule document 01–361 beginning on page 6850, in the issue of Monday, January 22, 2001, make the following correction:

§ 435.15 [Corrected]

On page 6900, in §435.15, in the table titled ''New Source Performance Standards (NSPS)'' under the heading ''NSPS'' in the fourth line, ''No charge'' should read ''No discharge''.

[FR Doc. C1–361 Filed 6–19–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 966

[Docket No. FR–4495–F–02]

RIN 2501–AC63

Screening and Eviction for Drug Abuse and Other Criminal Activity

Correction

In the issue of Monday, June 18, 2001, on page 32875, in the first column, in the correction of rule document 01–12840, the correction should read:

§966.4 [Corrected]

1. On page 28802, in the third column, in §966.4, in instruction 29 in the second line, ''(d)(1), (f)12), (1)(2), (1)(3)(i) and (1)(5) '' should read ''(d)(1), (f)(12), (l)(2), (l)(3)(i) and (l)(5)''

2. On the same page, in the same column, in the same section, in the fourth line from the bottom, ''(1)***'' should read ''(l)***''.

[FR Doc. C1–12840 Filed 6–19–01; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 44372; File No. SR–Phix–2001–59]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Dealing Directly with Specialist and Registered Option Traders in Foreign Currency Options

May 31, 2001.

Correction

In notice document 01–14312 beginning on page 30780 in the issue of Thursday, June 7, 2001, the date is corrected to read as set forth above.

[FR Doc. C1–14312 Filed 6–19–01; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44353; File No. SR–CBOE–2001–18]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange Incorporated to Exempt Certain Deep-in-the-Money Options Transactions from the Exchange Marketing Fee

Correction

In notice document 01–14026 beginning on page 30251 in the issue of Tuesday, June 5, 2001, the docket number is added to read as set forth above.

[FR Doc. C1–14026 Filed 6–19–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

International Conference on Fire and Cabin Safety Research

Correction

In notice document 01–14912 beginning on page 31964 in the issue of Wednesday, June 13, 2001, make the following corrections:

1. On page 31964, in the second column, in the last line, the website address ''*http://www.fire.tc./faa.gov*'' should read ''*http://www.fire.tc.faa.gov*''.

2. On the same page, in the third column, in the last line, the email address ''*lewis@tc.gc.ca*'' should read ''*lewisc@tc.gc.ca*''.

3. On page 31965, in the first column, under the heading ''*In Australia:*'', in the first paragraph, in the last line, the email address ''*BYERS B@casa.gov.au*'' should read ''*BYERS_B@casa.gov.au*''.

[FR Doc. C1–14912 Filed 6–19–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Wednesday,
June 20, 2001

Part II

Department of Education

Office of Vocational and Adult Education; High School Reform State Grants; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001; Notice

DEPARTMENT OF EDUCATION

[CFDA No: 84.215G]

Office of Vocational and Adult Education; High School Reform State Grants; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of Program

The purpose of the High School Reform State Grants program is to provide funds to State educational agencies (SEAs) to support efforts to improve academic performance and provide technical skills training. States will in turn make competitive awards to local educational agencies (LEAs) on behalf of secondary schools or consortia of secondary schools, to support programs, activities, classes, and other services designed to assist secondary school students in attaining challenging, State-established academic and technical skill proficiencies. The Department of Education (the Department) fully expects that these funds will be used by local high schools in one of two ways: (1) To expand and build upon their own existing high school improvement strategies; or (2) to replicate other high schools' successful reform models, including such strategies and models that focus on school restructuring, curriculum and instruction redesign, and improving school climate. Further, the Department expects that funded strategies and models will build upon research-based practices proven effective in improving secondary school students' academic performance and expanding their opportunities for technical skills training.

Application, Deadline and Award Information

Eligible Applicants: State educational agencies who make sub-grants to local educational agencies on behalf of secondary schools or secondary school consortia. State educational agencies may also apply in consortia with one another.

Deadline for Transmittal of Applications: August 6, 2001.

Application Page Limits: The Secretary strongly encourages that an application's program narrative be limited to no more than 25 pages.

Deadline for Intergovernmental Review: September 18, 2001.

Available Funds: $5,000,000 for the 36-month project period.

Note: The administration is not requesting funding for this program in 2002.

Estimated Average Size of Awards: The estimated amount of each award made under this competition is $1,000,000 for each State project.

Estimated Number of Awards: No more than five awards will be made under this grant program.

Note: The Department is not bound by any estimates in this notice.

Project Period: 36 months.

Applicable Statute and Regulations

(a) The Department of Education's Appropriations Act, 2001, Title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001, as enacted by section 1(1) of P.L. 106–[554], the Consolidated Appropriations Act, 2001.

(b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99.

SUPPLEMENTARY INFORMATION:

Background

No other American institution has a potentially greater impact on the quality of life for today's young people than that of the public high school. Youth entering the workforce without a high school diploma earn up to one-third less than their peers who complete high school. Among those who earn a diploma, only 50 percent go on to postsecondary education, and half of those students drop out by the end of the second year. The Department, as well as other public and private agencies, collects data annually documenting the reduced earning potential and increased incidence of poverty among young people who either lack a high school diploma, or who possess a diploma but have not acquired the necessary skills to move on to postsecondary education or the workplace.

Recognizing the obvious impact the high school experience can have on a young person, efforts at the Federal, State, and local levels have resulted in the implementation of a number of high school improvement strategies. Federally, the Department's Comprehensive School Reform Demonstration (CSRD) program, as well as the Office of Educational Research and Improvement's Model Design and Evaluation Contracts program, have funded the development of comprehensive school reform models for high schools. At the local level, magnet and charter schools initiatives have broken new ground in their ability to drive high school improvement based upon a community's as well as individual students' needs. These programs, as well as others, seek to ensure that research-based practices and methodologies proven successful at the high school level are widely replicated. Further, these programs recognize that success in the 21st century workplace will require advanced career and technical skills, including computer literacy.

Several States have targeted their school improvement initiatives specifically toward high schools by integrating Federal CSRD investments with their own high school reform investments. Others have enhanced their high school redesign efforts with improvement strategies promulgated by such models as High Schools That Work. For all States, the last five years have seen a dramatic increase in the attention toward high school academic assessments and exit examinations as means to measure the value of a student's high school experience.

Recognizing the emphasis at both the State and local levels on improving high schools, the Congress is making available five million dollars to States able to demonstrate their commitment to high school improvement by articulating specific strategies and activities proven effective in helping students meet rigorous academic and technical State standards.

Required Activities

(a) Under this competition, each State grantee will:

(1) Competitively award at least 90 percent of its total grant funds to LEAs on behalf of individual high schools or consortia; and

(2) Use the remaining grant funds for State-level activities aimed at replicating successful methodologies and practices and disseminating the lessons of the funded projects.

(b) Under this competition, each local sub-grantee will support programs, activities, classes, and other services designed to assist secondary school students in attaining challenging, State-established academic and technical skill proficiencies.

Grants awarded shall be used to carry out the following activities:

(1) Integration of academics with technical skills courses;

(2) Establishment of learning and technical skills centers within secondary schools; and

(3) Programs that support and implement innovative strategies such as independent study, school-based enterprises, and project-based learning.

The Department further requires that the minimum local award to an individual high school under this competition will be no less than $200,000, and that awards to high school consortia will be no less than $400,000.

Priorities

Competitive Priorities

The Secretary may award up to 10 additional points for applications that effectively address the following priorities.

Competitive Priority 1 (5 points)

Applications that identify the State's low-performing high schools, as defined under Title I, Part A, section 1116(c) of the Elementary and Secondary Education Act or State or local definitions, and include strategies for disseminating and replicating successful improvement methodologies and practices with those schools.

Competitive Priority 2 (5 points)

Applications that demonstrate the existing and future commitment of Federal, State and local level resources to fund high school improvement efforts.

Selection Criteria

The Secretary uses the following selection criteria to evaluate applications for new grants under this competition. The Secretary awards a total possible score of 100 points. The maximum score an applicant may receive is 110 points by effectively addressing the selection criteria and both competitive priorities. The maximum possible score for each criterion is indicated in parentheses following the criterion.

(1) Demonstration of Reform Readiness at the State's High Schools (40 Points)

(a) The proposal provides detailed evidence of specific school improvement strategies and existing working models that have been implemented at the high school level. Examples provided fully delineate the methodologies used and the measurements applied to determine effectiveness. (15 points)

(b) The proposal clearly articulates State- and locally-driven strategies that have proven effective in achieving such indicators of high school reform as:

(1) All students are expected to meet challenging, State-established academic standards that work toward the goal of preparing them for both college and careers;

(2) Academic standards are rigorous and are specifically tied to student outcomes;

(3) Learning occurs in safe, personalized environments;

(4) Teachers are provided with a range of professional development opportunities, including work-based experiences and technology training;

(5) Faculty ownership and effective principal leadership are key components in implementing specific school improvement strategies; and

(6) Individual teaching strategies are linked to school-wide improvement goals. (15 points)

(c) The proposal describes existing high school practices and models that have achieved success in integrating academics with technical skills courses; establishing learning and technical skill centers within their schools; and implementing such innovative strategies such as independent study via internships, school-based enterprises, and project-based learning. (10 points)

(2) State-level Activities (25 points)

The proposal provides a complete description of activities supported by the ten percent (maximum) of grant award expenditures to be made at the State level. This section includes how this project will be coordinated with ongoing high school improvement efforts already at work at the State level. It includes ways in which the State will use this project to improve the performance of low-performing high schools, such as partnering a high-performing school with a low-performing school, web-based dissemination strategies, and other innovative methods. The application delineates the State's plan to produce a final product documenting its successful high school improvement strategies. Further, it includes a commitment by the State to be involved in national activities aimed at widely disseminating the lessons of this grant initiative and working with other States or districts to assist them with their efforts at high school reform and improvement.

(3) Management Plan/Timeline (20 points)

(a) The proposal includes a description of how the project will be managed at the State level, including the distribution of sub-grants (not less than 90 percent of the total grant award) and the oversight of sub-grant activities. The proposal describes the process to be used to provide sub-grants, along with the criteria to be applied. (10 points)

(b) The proposal includes a timeline for the project, including dates and responsibilities for making awards to sub-grantees, along with a clear description of the overall project's progression and how grant activities will build upon one another in complexity and scope. (5 points)

(c) The proposal indicates other funding resources, including private sector resources as well as other Federal, State, and local level funds, that currently contribute to the high school improvement strategies identified in the proposal and that will further support such future efforts. At a minimum, the proposal indicates how the State's Federal resources are being aligned to support high school improvement. (5 points)

(4) Evaluation Plan (15 points)

The proposal describes the State's overall strategy for evaluating high school improvement efforts, including improving the academic performance of students and increasing their opportunities to receive technical skill training. It explains how this project will be evaluated, and how the results of that evaluation will fit into the State's overall plan for evaluating high school improvement efforts. Applications adequately addressing this criterion will outline the performance measures the State intends to use to evaluate efforts that either bring certain improvement strategies to scale or that replicate a model that has proven successful at another high school. This section should also commit the State to participating in a Department-sponsored evaluation of this grant investment. (Applicants should note the Performance Measures section in Appendix B of this notice.)

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

One of the objectives of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for

each of those States and follow the procedures established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact (SPOC), or you may view the latest SPOC list on the OMB web site at the following address: http://www.whitehouse.gov/omb/grants.

In States that have not established a process or chosen a program for review, State, area-wide, regional, and local entities, may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, area-wide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372–CFDA #84.215G, U.S. Department of Education, Room 7E200, Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Eastern time) on the date indicated in this notice.

Note: Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address.

Waiver of Rulemaking

It is the Secretary's practice, in accordance with the Administrative Procedure Act (5 U.S.C. section 553), to offer interested parties the opportunity to comment on proposed rules. Section 437(d)(1) of the General Education Provisions Act (GEPA) exempts from formal rulemaking requirements rules governing the first grant competition under a new or substantially revised program authority (20 U.S.C. section 1232(d)(1)). Funding for this new initiative was provided in the Department's fiscal year 2001 appropriations act. The Secretary, in accordance with section 437(d)(1) of GEPA, has decided to forego public comment in order to ensure timely grant awards.

Instructions for Transmittal of Applications

Applicants are required to submit one original signed application and three copies of the grant application. All forms and assurances must have ink signatures. Please mark applications as ''original'' or ''copy.'' To aid with the review of applications, the Department encourages applicants to submit three additional copies of the grant application. The Department will not penalize applicants who do not provide additional copies.

(a) If an applicant wants to apply for a grant under this process, the applicant must either—

(1) Mail the original and three copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA # 84.215G), Washington, DC 20202–4725, or

(2) Hand deliver the original and three copies of the application by 4:30 p.m. (Eastern time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.215G), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Education Assistance (ED 424) the CFDA number—and suffix letter, if any—of the process under which the application is being submitted.

Application Instructions and Forms

All forms and instructions are included as Appendix D of this notice. Questions and answers pertaining to this program are included, as Appendix C, to assist potential applicants.

To apply for an award under this program, your application must be organized in the following order and include the following five parts. The parts and additional materials are as follows:

Part I: Application for Federal Education Assistance (ED 424 (Rev. 1/12/99)) and instructions.

Part II: Budget Information—Non-Construction Programs (ED Form No. 524) and instructions.

Part III: Budget Narrative.

Part IV: Program Narrative (see Appendix B).

Part V: Additional Assurances and Certifications:

a. Assurances—Non-Construction Programs (Standard Form 424B).

b. Certification regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED Form 80–0013) and instructions.

c. Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form 80–0014, 9/90) and instructions.

Note: ED Form 80–0014 is intended for the use of grantees and should not be transmitted to the Department.

d. Disclosure of Lobbying Activities (Standard Form LLL, if applicable) and instructions.

No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Stratman Clark, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW. (Mary E. Switzer Building, Room 5523), Washington, DC 20202–7241. Telephone (202) 205–3779. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. Individuals with disabilities may obtain this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact persons listed at the beginning of this paragraph. Please note, however, that the Department is not able to reproduce in an alternative format the standard forms included in the notice.

Electronic Access to This Department

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (APDF) on the Internet at the following site: www.ed.gov/legislation/FedRegister.

To use PDF, you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free at 1–888–293–6498, or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official version of the **Federal Register** and the Code of Federal Regulations is available on GPO access at: http://www.access.gpo.gov/nara/index.html.

Program Authority: 20 U.S.C. section 2328.

Dated: June 14, 2001.

Jon Weintraub,

Acting Deputy Assistant Secretary, Office of Vocational and Adult Education.

Estimated Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1830–0551. (Expiration date: 6/30/2004.) The time required to complete this information collection is estimated to average 40 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this grant application, please write to: U.S. Department of Education, Washington, DC 20202–4651.

If you have comments or concerns regarding the status of your individual submission of this grant application, write directly to: Ms. Karen Stratman Clark, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW (Mary E. Switzer Building, Room 5523), Washington, DC 20202–7242.

Appendix A—Definitions

Independent study is self-directed learning linked to a student's curriculum and, if applicable, his or her area of career interest. It may include such activities as internships and student-directed projects.

Integration occurs when academic and occupational or career subject matter—normally offered in separate courses—are taught in a manner that emphasizes relationships among the disciplines. It may take many forms, ranging from the introduction of academics into traditional occupational courses to comprehensive programs that organize all instruction around broad career themes.

Learning and technical skills centers are, for the purpose of this program, any of a variety of high school improvement models that may include schools-within-schools, career academies, houses, or before- or after-school programs that emphasize technical or occupational skills training, including computer literacy.

Low-performing schools are identified by local and State educational agencies using the criteria in Title I, Part A, section 1116(c) of the Elementary and Secondary Education Act. Any Title I school that has not made continuous and sustained academic progress over two years is identified for improvement. For the purpose of this program, States and local educational agencies that have established criteria for identifying such schools may use their criteria to meet the competitive priority.

Project-based learning occurs when learning is tied to the development and completion of a project that is, much like independent study, linked to a student's curriculum and, if applicable, his or her area of career interest.

School-based enterprises are enterprises in which goods or services are produced by students as part of their school program. School-based enterprises typically involve students in the management of a project that may involve the sale of goods for use by others, and may be undertaken on or off the school site.

Secondary school consortia are two or more schools comprising any span of grades beginning with the next grade following middle school and ending with grade 12.

State consortia are, for the purpose of this program, two or more State educational agencies jointly responsible for State-level coordination of projects implemented within their identified local high schools.

State educational agency is the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

Appendix B—Program Narrative Instructions

Instructions for Program Narrative

The program narrative will comprise the largest portion of your application. This part is where you spell out the who, what, when, why, and how, of your proposed project.

Although you will not have a form to fill out for your narrative, there is a format. This format is based on the selection criteria. Because your application will be reviewed and rated by a review panel on the basis of the selection criteria, your narrative should follow the order and format of the criteria.

Before preparing your application, you should carefully read the legislation and EDGAR regulations governing this program, eligibility requirements, priorities, and the selection criteria for this process.

Your program narrative should be clear, concise, and to the point. The program narrative should be organized in this way:

(1) Begin the narrative with a one page abstract or summary of your project, including a short description of the project's objectives and activities. Provide a short description of the populations to be served in the high schools to whom you anticipate awarding funds.

(2) Include a table of contents listing the parts of the narrative in the order of the selection criteria and the page numbers where the parts of the narrative are found. Be sure to number the pages.

(3) Include the State educational agency's assurance to the Secretary (and requirement for the local educational agencies' assurances to the State) that the State will carry out those activities described in the Required Activities section of this notice.

(4) Describe how the applicant meets the competitive priorities, if applicable.

(5) Describe the project in detail, addressing each selection criterion in order. Do not simply paraphrase the criteria.

(6) If the application is from a State consortium, attach the consortium's agreement delineating the activities each State intends to perform, signed by appropriate authorities for each State educational agency. The agreement must include the designation of one State as the lead applicant.

(7) Applicants may include supporting documentation as appendices to the narrative. This material must be concise and pertinent to the application.

The Secretary strongly suggests that you limit the program narrative to no more than 25 double-spaced, typed pages (on one side only). Be sure to number consecutively ALL pages in your application.

You are advised that—

(a) The Secretary considers only information contained in the application in ranking applications for funding consideration. Letters of support sent separately from the formal application package are not considered in the review by the technical review panels. (34 CFR 75.217)

(b) The technical review panel evaluates each application solely on the basis of the selection criteria contained in this notice.

(c) Letters of support included as appendices to an application, that are of direct relevance to or contain commitments that pertain to the established selection criteria, such as commitment of resources, will be reviewed by the panel. As noted above in paragraph (a), letters of support sent separately from the formal application package are not considered in the review by the technical review panel. (34 CFR 75.217)

Performance Measures

The Government Performance and Results Act of 1993 (GPRA) places new management expectations and requirements on Federal departments and agencies by creating a framework for more effective planning, budgeting, program evaluation, and fiscal accountability for Federal programs. The intent of GPRA is to improve public confidence by holding departments and agencies accountable for achieving program results. Under GPRA, Departments and agencies must clearly describe the goals and objectives of their programs, identify resources and actions needed to accomplish these goals and objectives, develop a means of measuring progress made, and regularly report on their achievement. One important source of program information on successes and lessons learned is the project evaluation conducted under individual grants.

Factors that may be considered in evaluating the success of the program may include:

(1) Percentage of students at participating schools who meet or exceed State-established academic and vocational and technical skill standards;

(2) Number of students receiving technical skills training with integrated academics;

(3) Number of students participating in learning and technical skills centers; and

(4) Number of students participating in independent study via internships, schools-based enterprises, and project-based learning.

As specified in Selection Criterion 4, an evaluation plan must be included in each grant application. The application should describe the plan in detail, including such information as: (1) What types of data will be collected; (2) what instruments will be used; (3) when reports of results and outcomes will become available; and (4) how information will be used by the project to monitor progress and ensure accountability.

Appendix C—Questions and Answers

Potential applicants frequently direct questions to officials of the Department regarding application notices and programmatic and administrative regulations governing various direct grant programs. To assist potential applicants, the Department has assembled the following most commonly asked questions followed by the Department's answers.

Q: *Can we get an extension of the deadline?*

A: No. A closing date may be changed only under extraordinary circumstances. Any change must be announced in the **Federal Register** and must apply to all applications. Waivers for individual applications cannot be granted regardless of the circumstances.

Q: *How many copies of the application should I submit and must they be bound?*

A: Applicants are required to submit one original and three copies of the grant application. To aid with the review of applications, the Department encourages applicants to submit three additional copies of the grant application. The Department will not penalize applicants who do not provide additional copies. Sending applications in notebooks, binders, folders, or other coverings is strongly discouraged.

Q: *We just missed the deadline for the High School Reform State Grants competition. May we submit under another competition?*

A: Yes, however, the likelihood of success is not good. A properly prepared application must meet the specifications of the competition to which it is submitted.

Q: *I'm not sure which competition is most appropriate for my project. What should I do?*

A: We are happy to discuss any such questions with you and provide clarification on the unique elements of the various competitions.

Q: *Will you help us prepare our application?*

A: We are happy to provide general program information. Clearly, it would not be appropriate for staff to participate in the actual writing of an application, but we can respond to specific questions about application requirements, evaluation criteria, and the priorities. Applicants should understand, however, that prior contact with the Department is not required, nor will it in any way influence the success of an application.

Q: *When will I find out if I'm going to be funded?*

A: You can expect to receive notification as soon as possible after the application closing date, depending on the number of applications received and the number of Department competitions with similar closing dates.

Q: *Once my application has been reviewed by the review panel, can you tell me the outcome?*

A: No. Every year we are called by a number of applicants who have a legitimate reason for needing to know the outcome of the panel review prior to official notification. Some applicants need to make job decisions, some need to notify a local school district, etc. Regardless of the reason, because final funding decisions have not been made at that point, we cannot share information about the results of panel review with anyone.

Q: *Will my application be returned if I am not funded?*

A: No. We no longer return unsuccessful applications. Thus, applicants should retain at least one copy of the application.

Q: *Can I obtain copies of reviewers' comments?*

A: Upon written request, reviewers' comments will be mailed to unsuccessful applicants.

Q: *Is travel allowed under these projects?*

A: Travel associated with carrying out the project is allowed. Because we may request the project director of funded projects to attend an annual project directors' meeting, you may also wish to include a trip or two to Washington, DC, in the travel budget. Travel to conferences is sometimes allowed when the purpose of the conference will be of benefit and relates to the project.

Q: *If my application receives high scores from the reviewers, does that mean that I will receive funding?*

A: Not necessarily. It is often the case that the number of applications scored highly by the reviewers exceeds the dollars available for funding projects under a particular competition. The order of selection, which is based on the scores of all the applications reviewed and other relevant factors, determines the applications that can be funded.

Q: *What happens during pre-award clarification discussions?*

A: During pre-award clarification discussions, technical and budget issues may be raised. These are issues that have been identified during the panel and staff reviews that require clarification. Sometimes issues are stated as ''conditions.'' These are issues that have been identified as so critical that the award cannot be made unless those conditions are met. Questions may also be raised about the proposed budget. Generally, these issues are raised because an application contains inadequate justification or explanation of a particular budget item, or because the budget item seems unimportant to the successful completion of the project. If you are asked to make changes that you feel could seriously affect the project's success, you may provide reasons for not making the changes or provide alternative suggestions. Similarly, if proposed budget reductions will, in your opinion, seriously affect the project activities, you may explain why and provide additional justification for the proposed expenses. An award cannot be made until all issues under discussion have been resolved.

Q: *How do I provide an assurance?*

A: Except for SF–424B, ''Assurances—Non-Construction Programs,'' you may provide an assurance simply by stating in writing that you are meeting a prescribed requirement.

Q: *Where can copies of the* **Federal Register**, *program regulations, and Federal statutes be obtained?*

A: Copies of these materials can usually be found at your local library. If not, they can be obtained from the Government Printing Office by writing to Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Telephone: (202) 708–8228. When requesting copies of regulations or statutes, it is helpful to use the specific name or public law, number of a statute, or part number of a regulation. A copy of the Code of Federal Regulations that contains the Education Department General Administrative Regulations, 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99, may be obtained from the Government Printing Office by writing to Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or by telephoning (202) 512–1800. It may also be obtained on the internet at: http://www.access.gpo.gov/su_docs, or *http://www.access.gpo.gov/nara/cfr.*

Federal Register notices can also be accessed on the internet at: *http://www.access.gpo.gov/nara/index.html.*

Q: *Where in the notice does it explain how the required parts of the application should be ordered?*

A: The ordering for the required parts of the application is specified in the section of the notice entitled ''Application Instructions and Forms.''

Appendix D—Budget Narrative, Forms, and Instructions

Instructions for Budget Narrative

The budget narrative should explain, justify, and, if needed, clarify your budget summary. For each line item (personnel, fringe benefits, travel, etc.) in your budget, explain why it is there and how you computed the costs.

Please limit this section to no more than five pages. Be sure that each page of your application is numbered consecutively.

BILLING CODE 4000–01–P

Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format.

U.S. Department of Education

Form Approved OMB No. 1875-0106 Exp. 06/30/2001

Applicant Information

1. Name and Address

Legal Name:

Address:

City State County ZIP Code + 4

Organizational Unit

2. Applicant's D-U-N-S Number

3. Applicant's T-I-N

4. Catalog of Federal Domestic Assistance #: 84215G ➡ Title: High Reform State Grants

5. Project Director:

Address:

City State ZIP Code + 4

Tel. #: ( ) Fax #: ( )

E-Mail Address:

6. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No

(If "Yes," attach an explanation.)

7. Type of Applicant *(Enter appropriate letter in the box.)*

A State
B County
C Municipal
D Township
E Interstate
F Intermunicipal
G Special District
H Independent School District
I Public College or University
J Private, Non-Profit College or University
K Indian Tribe
L Individual
M Private, Profit-Making Organization
N Other *(Specify)*:

8. Novice Applicant ☐ Yes ☐ No

Application Information

9. Type of Submission:

—PreApplication	—Application
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

10. Is application subject to review by Executive Order 12372 process?

☐ Yes *(Date made available to the Executive Order 12372 process for review):* ___/___/_____

☐ No *(If "No," check appropriate box below.)*

☐ Program is not covered by E.O. 12372.

☐ Program has not been selected by State for review.

11. Proposed Project Dates:

Start Date:	End Date:
___/___/_____	___/___/_____

12. Are any research activities involving human subjects planned at any time during the proposed project period? ☐ Yes ☐ No

a. If "Yes," Exemption(s) #:

OR

b. Assurance of Compliance #:

c. IRB approval date: _____ ☐ Full IRB or ☐ Expedited Review

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative

b. Title

c. Tel. #: ( ) Fax #: ( )

d. E-Mail Address:

e. Signature of Authorized Representative Date: ___/___/_____

REV. 11/12/99

ED 424

Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com/dbis/aboutdb/intlduns.htm.**

3. **Tax Identification Number.** Enter the tax identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

5. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

6. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

7. **Type of Applicant.** Enter the appropriate letter in the box provided.

8. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

9. **Type of Submission.** Self-explanatory.

10. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

12. **Human Subjects.** Check "Yes" **or** "No". If research activities involving human subjects are **not** planned **at any time** during the proposed project period, check **"No." The remaining parts of item 12 are then not applicable.**

    If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, **are** planned **at any time** during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** If **all** the research activities are designated to be exempt under the regulations, enter, in item 12a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 12a, are appropriate. **Provide this narrative information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 12.**

    If **some or all** of the planned research activities involving human subjects are covered (nonexempt), skip item 12a and continue with the remaining parts of item 12, as noted below. In addition, follow the instructions in **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

    If the applicant organization has an approved Multiple Project Assurance of Compliance on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 12b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 12c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 12c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 12b and skip 12c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

    Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH (Attachment to ED 424)

I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned

If you marked item 12 on the application "Yes" and designated exemptions in 12a , **(all research activities are exempt),** provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 12 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt),** address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

II. Information on Research Activities Involving Human Subjects

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Is it a human subject?

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://ocfo.ed.gov/humansub.htm.

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control Number: 1890-0004

Expiration Date: 02/28/2003

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED Form No. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED Form No. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. **LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. **DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. **DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good-faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	 **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

[FR Doc. 01–15557 Filed 6–19–01; 8:45 am]
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FEDERAL REGISTER PAGES AND DATE, JUNE

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Competitive local exchange carriers; access charge reform; published 5-21-01

INTERIOR DEPARTMENT
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INTERIOR DEPARTMENT
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Colorado; Federal gasoline Reid Vapor Pressure volatility standard for 2001; approval of petition to relax; comments due by 6-25-01; published 5-24-01
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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 1836/P.L. 107–16

Economic Growth and Tax Relief Reconciliation Act of 2001 (June 7, 2001; 115 Stat. 38)

Last List June 8, 2001

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